

COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTY-SIXTH SESSION

(29 January-9 March 1990)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1990

SUPPLEMENT No. 2



UNITED NATIONS

COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTY-SIXTH SESSION

(29 January-9 March 1990)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1990

SUPPLEMENT No. 2



UNITED NATIONS

New York, 1990

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Annexes I to IV to the present report have been issued separately as *Official Records of the Economic and Social Council, 1990, Supplement No. 2A* (E/1990/22/Add.1-E/CN.4/1990/94/Add.1).

E/1990/22
E/CN.4/1990/94

CONTENTS

Chapter

Page

I. Draft resolutions and decisions recommended for adoption by the Economic and Social Council	1
--	---

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	1
II. Right to freedom of opinion and expression .	2
III. Compensation for victims of gross violations of human rights	3
IV. Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care	3
V. Guidelines on the use of computerized personal files	4
VI. Rights of persons belonging to national, ethnic, religious and linguistic minorities.	4
VII. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	5
VIII. Working Group on Situations	5
IX. Status of the individual and contemporary international law	6

B. Draft decisions

1. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	7
2. Implementation of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u>	7

CONTENTS (continued)

Chapter:

Page

I. B. Draft decisions (continued)

3. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	7
4. The right to development	7
5. Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems	8
6. Effective functioning of bodies established pursuant to United Nations human rights instruments	8
7. Situation of human rights in South Africa .	8
8. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	8
9. Question of enforced or involuntary disappearances	9
10. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur	9
11. Situation of human rights in Romania	9
12. Summary or arbitrary executions	9
13. Situation of human rights in Afghanistan ..	10
14. Situation of human rights in Haiti	10
15. Situation in Equatorial Guinea	10
16. Advisory services in the field of human rights	10
17. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	10

CONTENTS (continued)

Chapter	Page
I. B. <u>Draft decisions</u> (continued)	
18. Discrimination against people infected with the human immuno-deficiency virus (HIV) or people with the acquired immuno-deficiency syndrome (AIDS)	11
19. Sale of children	11
20. National institutions for the promotion and protection of human rights	11
21. Situation of human rights in El Salvador ..	12
22. Situation of human rights in the Islamic Republic of Iran	12
23. Assistance to Guatemala in the field of human rights	12
24. Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	12
25. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities	13
26. Traditional practices affecting the health of women and children	13
27. International Year for the World's Indigenous People	13
28. Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989	14
29. Organization of the work of the forty-seventh session of the Commission on Human Rights	14

CONTENTS (continued)

Chapter		Page
II.	Resolutions and decisions adopted by the Commission at its forty-sixth session	15
A.	Resolutions	
1990/1	Israeli settlements in the occupied Arab territories	15
1990/2	Question of violations of human rights in occupied Palestine	
	Resolution A	15
	Resolution B	17
1990/3	Human rights in the occupied Syrian Arab territory	18
1990/4	Question of Western Sahara	20
1990/5	Situation in Afghanistan	23
1990/6	Situation in occupied Palestine	25
1990/7	Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	27
1990/8	Situation in southern Africa	31
1990/9	Situation in Cambodia	34
1990/10	Situation in Panama	37
1990/11	Detention, torture and other inhuman treatment of children in South Africa .	38
1990/12	Implementation of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u> ..	40
1990/13	Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	43

CONTENTS (continued)

Chapter

Page

11. A. Resolutions (continued)

1990/14	Popular participation in its various forms as an important factor in development and in the full realization of all human rights	46
1990/15	Human rights and extreme poverty	47
1990/16	Question of trade union rights	49
1990/17	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights .	50
1990/18	The right to development	53
1990/19	Status of the Convention on the Prevention and Punishment of the Crime of Genocide	55
1990/20	Status of the International Covenants on Human Rights	56
1990/21	Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems	58
1990/22	The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa	61
1990/23	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	66

CONTENTS (continued)

Chapter		Page
II.	A. Resolutions (continued)	
	1990/24 Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt, and, in particular, on the implementation of the Declaration on the Right to Development	66
	1990/25 Effective functioning of bodies established pursuant to United Nations human rights instruments	68
	1990/26 Situation of human rights in South Africa	71
	1990/27 Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	77
	1990/28 Status of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	80
	1990/29 United Nations Voluntary Fund for Victims of Torture	82
	1990/30 Question of enforced or involuntary disappearances	84
	1990/31 Staff members of the United Nations and the specialized agencies in detention .	87
	1990/32 Right to freedom of opinion and expression	89
	1990/33 Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	91
	1990/34 Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur	92

CONTENTS (continued)

Chapter		Page
II.	A. <u>Resolutions</u> (continued)	
1990/35	Compensation for victims of gross violations of human rights	96
1990/36	Hostage-taking	97
1990/37	Use of force by law enforcement officials	98
1990/38	Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care	99
1990/39	Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms	100
1990/40	Human rights and scientific and technological developments	101
1990/41	Human rights and the environment	102
1990/42	Guidelines on the use of computerized personal files	103
1990/43	Movement and dumping of toxic and dangerous products and wastes	103
1990/44	Measures to improve the situation and ensure the human rights and dignity of all migrant workers	104
1990/45	Rights of persons belonging to national, ethnic, religious and linguistic minorities	106
1990/46	Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Facist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences	107

CONTENTS (continued)

Chapter		Page
II.	A. Resolutions (continued)	
	1990/47 Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	108
	1990/48 Situation of human rights in Cuba	109
	1990/49 Situation of human rights in Albania ..	110
	1990/50 Situation of human rights in Romania ..	112
	1990/51 Summary of arbitrary executions	113
	1990/52 Human rights and mass exoduses	115
	1990/53 Situation of human rights in Afghanistan	118
	1990/54 Situation of human rights in southern Lebanon	121
	1990/55 Working Group on Situations	122
	1990/56 Situation of human rights in Haiti	123
	1990/57 Situation in Equatorial Guinea	124
	1990/58 Advisory services in the field of human rights	126
	1990/59 Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights	129
	1990/60 Report on the visit to Namibia by the Ad Hoc Working Group of Experts on southern Africa	131
	1990/61 Assistance to Paraguay in the field of human rights	132

CONTENTS (continued)

Chapter		Page
II.	A. <u>Resolutions</u> (continued)	
1990/62	Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	134
1990/63	Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	137
1990/64	Work of the Sub-Commission of Prevention of Discrimination and Protection of Minorities	139
1990/65	Discrimination against people infected with the human immuno-deficiency virus (HIV) or people with the acquired immuno-deficiency syndrome (AIDS)	142
1990/66	Human rights in times of armed conflicts	143
1990/67	Programme of action for prevention of sale of children, child prostitution and child pornography	144
1990/68	Sale of children	145
1990/69	Status of the individual and contemporary international law	146
1990/70	Streamlining the system of preparation of reports and studies by the Secretary-General	146
1990/71	Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region	147
1990/72	Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights .	148

CONTENTS (continued)

Chapter		Page
II.	A. <u>Resolutions</u> (continued)	
	1990/73 National institutions for the promotion and protection of human rights	151
	1990/74 Convention on the Rights of the Child .	152
	1990/75 Consequences of acts of violence committed by irregular armed groups and drug traffickers for the enjoyment of human rights	153
	1990/76 Co-operation with representatives of United Nations human rights bodies	155
	1990/77 Situation of human rights in El Salvador	156
	1990/78 Situation of human rights in Chile	160
	1990/79 Situation of human rights in the Islamic Republic of Iran	163
	1990/80 Assistance to Guatemala in the field of human rights	165
	1990/81 Human rights and the administration of justice	168
II.	B. <u>Decisions</u>	
	1990/101 Organization of work	170
	990/102 Organization of work	171
	1990/103 Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	171
	1990/104 Question of human rights in Cyprus ...	172
	1990/105 Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities	172

CONTENTS (continued)

Chapter		Paragraphs	Page
II.	H. <u>Decisions</u>		
	1990/106 Situation in China		172
	1990/107 Consideration, by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of the report on the practice of administrative detention		172
	1990/108 Right to a fair trial		173
	1990/109 Traditional practices affecting the health of women and children		173
	1990/110 World conference on human rights		174
	1990/111 Human rights monitoring mechanisms established within the United Nations framework		174
	1990/112 In-depth evaluation of the human rights programme		174
	1990/113 International Year for the World's Indigenous People		174
	1990/114 Visit to Iraq		175
	1990/115 Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989		175
	1990/116 Organization of the work of the forty-seventh session		175
III.	Organization of the forty-sixth session	1 - 42	176
	A. Opening and duration of the session	1 - 2	176
	B. Attendance	3	176
	C. Election of officers	4	176
	D. Agenda	5 - 8	176

CONTENTS (continued)

Chapter		Paragraphs	Page
III.	E. Organization of work	9 - 19	177
	F. Meetings, resolutions and documentation	20 - 23	179
	G. Visits	24 - 36	179
	H. Other matters	37 - 42	180
IV.	Question of the violation of human rights in the occupied Arab territories, including Palestine	43 - 72	181
V.	Violations of human rights in southern Africa: report of the <u>Ad Hoc</u> Working Group of Experts	73 - 96	186
VI.	The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa	97 - 115	190
VII.	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development; (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms; (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights	116 - 151	193
VIII.	Question of the realization of the right to development	152 - 164	198
IX.	The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation	165 - 222	201

CONTENTS (continued)

Chapter		Paragraphs	Page
X.	Question of the human rights of all persons subjected to any form of detention or imprisonment	223 - 294	214
A.	Torture and other cruel, inhuman or degrading treatment or punishment	262 - 277	218
B.	Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	278 - 284	220
C.	Question of enforced or involuntary disappearances	285 - 294	221
XI.	Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; (b) National institutions for the promotion and protection of human rights; (c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights	295 - 344	223
XII.	Question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories	345 - 451	229
A.	Question of human rights in Cyprus	435 - 442	253
B.	Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-fifth session	443 - 451	253
XIII.	Measures to improve the situation and ensure the human rights and dignity of all migrant workers	452 - 460	255

CONTENTS (continued)

Chapter		Paragraphs	Page
XIV.	Human rights and scientific and technological developments	461 - 493	256
XV.	Implementation of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u>	494 - 509	261
XVI.	Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on <u>Apartheid</u> , racism and racial discrimination; implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	510 - 525	264
XVII.	Status of the International Covenants on Human Rights	526 - 538	266
XVIII.	Effective functioning of bodies established pursuant to United Nations human rights instruments	539 - 554	268
XIX.	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session	555 - 619	270
XX.	Rights of persons belonging to national, ethnic, religious and linguistic minorities	620 - 629	278
XXI.	Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences	630 - 639	279
XXII.	Advisory services in the field of human rights	640 - 678	281
XXIII.	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	679 - 692	289
XXIV.	Drafting of a declaration on the right and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms ...	693 - 699	291

CONTENTS (continued)

Chapter		Paragraphs	Page
XXV.	Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	700 - 709	292
XXVI.	Draft provisional agenda for the forty-seventh session of the Commission	710 - 713	295
XXVII.	Adoption of the report	714	304
Notes			304

Annexes

I.	Attendance	)	
		)	
II.	Agenda	)	
		)	See document
III.	Administrative and programme budget implications of resolutions and decisions adopted by the Commission at its forty-sixth session	)	E/1990/22/Add.1- E/CN.4/1990/94/ Add.1
		)	
IV.	List of documents issued for the forty-sixth session of the Commission	)	

I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR
ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Adverse consequences for the enjoyment of human
rights of political, military, economic and
other forms of assistance given to the racist
and colonialist régime of South Africa

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95
of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur of the
Sub-Commission on Prevention of Discrimination and Protection of Minorities,
Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1989/9 and Add.1);

2. Expresses also its thanks to all Governments and organizations which
supplied the Special Rapporteur with information;

3. Welcomes with satisfaction Commission on Human Rights
resolution 1990/22 of 27 February 1990, in which the Commission invited
the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks,
transnational corporations and other organizations assisting the racist and
colonialist régime of South Africa, giving such details regarding enterprises
listed as the Special Rapporteur may consider necessary and appropriate,
including explanations of responses, if any, and to submit the updated report
through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs,
Member States, specialized agencies and other relevant sources in order to
indicate the volume, nature and adverse human consequences of the assistance
given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on
Transnational Corporations, the Centre against Apartheid of the Secretariat
and the United Nations Council for Namibia, with a view to consolidating
mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even
more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights to consider the revised report at their forty-second and forty-seventh sessions respectively;

6. Requests the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

7. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual co-operation in updating his report;

8. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

9. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1990/23, and chap. VI.]

II. Right to freedom of opinion and expression

The Economic and Social Council,

Recalling Commission on Human Rights resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989 and 1989/56 of 7 March 1989,

Recalling also Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1988/110 of 1 September 1989 and resolution 1989/14 of 31 August 1989,

Taking into account the working paper on the right to freedom of opinion and expression (E/CN.4/Sub.2/1989/26) prepared by Mr. Danilo Türk,

1. Endorses the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Louis Joinet and Mr. Danilo Türk, members of the Sub-Commission, with the preparation of a

study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteurs to carry out the said study;

3. Requests the Special Rapporteurs to submit a preliminary report on their study to the Sub-Commission for consideration at its forty-second session and to the Commission on Human Rights for comments at its forty-seventh session.

[See chap. II, sect. A, resolution 1990/32, and chap. X.]

III. Compensation for victims of gross violations of human rights

The Economic and Social Council,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989 and Commission on Human Rights resolution 1990/35 of 2 March 1990,

1. Authorizes the Sub-Commission to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account, inter alia, relevant existing international human rights norms on compensation and judgements by courts, decisions and views of international human rights organs and bodies, with a view to exploring the possibility of developing basic principles and guidelines in this respect;

2. Requests the Secretary-General to provide Mr. van Boven with all the assistance that he may require for the completion of his task.

[See chap. II, sect. A, resolution 1990/35, and chap. X.]

IV. Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1990/38 of 6 March 1990,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the forty-seventh session of the Commission, in order to continue the examination, revision and simplification of a draft body of principles and guarantees for the

protection of mentally-ill persons and for the improvement of mental health care, for submission to the Commission at its forty-seventh session;

2. Requests the Secretary-General to extend all facilities to the Working Group on the Question of the Draft Body of Principles and Guarantees for the Protection of Mentally-Ill Persons and for the Improvement of Mental Health Care for its meeting prior to the forty-seventh session of the Commission, and to prepare and transmit to the Working Group a working paper covering the articles that remain to be discussed and taking account of the comments and suggestions made by Governments, specialized agencies and non-governmental organizations.

[See chap. II, sect. A, resolution 1990/38, and chap. XIV.]

V. Guidelines on the use of computerized personal files

The Economic and Social Council,

Bearing in mind General Assembly resolution 44/132 of 15 December 1989,

Taking account of Commission on Human Rights resolution 1990/42 of 6 March 1990,

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet, for the revised version of the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72);

2. Decides to transmit the final report of the Special Rapporteur to the General Assembly for final adoption;

3. Requests the Secretary-General to bring the revised draft guidelines to the attention of all Governments;

4. Recommends that the General Assembly should consider, as a matter of priority, the adoption and publication of the guidelines on the use of computerized personal files.

[See chap. II, sect. A, resolution 1990/42, and chap. XIV.]

VI. Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1990/45 of 6 March 1990,

1. Authorizes an open-ended Working Group of the Commission on Human Rights to meet for no fewer than 10 fully-serviced meetings during the first two weeks of the forty-seventh session of the Commission to continue work on

the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, by a second reading of the text, with a view to submitting it to the Commission at its forty-seventh session;

2. Requests the Secretary-General to provide the Working Group with all the assistance it may require for the continuation of its drafting work.

[See chap. II, sect. A, resolution 1990/45, and chap. XX.]

VII. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1990/47 of 6 March 1990,

1. Authorizes an open-ended Working Group to meet for a period of eight working days prior to the forty-seventh session of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all facilities to the Working Group for its meeting prior to and during the forty-seventh session of the Commission, and to transmit the report of the Working Group that met prior to and during the forty-sixth session, together with the annexes thereto, to all Member States in advance of the meeting of the Working Group to enable it to continue its work on the elaboration of the draft declaration.

[See chap. II, sect. A, resolution 1990/47, and chap. XXIV.]

VIII. Working Group on Situations

The Economic and Social Council,

Taking note of the wish of the Commission on Human Rights to establish a Working Group to assist it, on a regular basis, in the implementation of Council resolution 1503 (XLVIII) of 27 May 1970,

Noting that, with the approval of the Council, such a Working Group has, in fact, been set up annually since 1974 on an ad hoc basis,

Recognizing the valuable contribution of the Working Group, through the years, in the implementation of the procedure governed by Council resolution 1503 (XLVIII),

1. Authorizes the Commission on Human Rights to establish a Working Group consisting of not more than five of its members, with due regard to geographical distribution, to meet for a period not exceeding five working days prior to the sessions of the Commission to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation;

2. Decides that the Working Group, to be referred to as the Working Group on Situations, shall be constituted as follows:

(a) Before the end of each session, the Chairman of the Commission, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the members of each geographical area, shall nominate the members to serve in their personal capacity on the working group at its next session;

(b) If necessary, the Chairman or the outgoing Chairman may at any time, in order to fill a vacancy, designate a member from among the names of all Commission members of the same geographical area;

3. Decides also that the Working Group on Situations shall hold closed meetings and communicate its recommendations confidentially to the Commission on Human Rights, pursuant to paragraph 8 of Council resolution 1503 (XLVIII).

[See chap. II, sect. A, resolution 1990/55, and chap. XII.]

IX. Status of the individual and contemporary international law

The Economic and Social Council.

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/46 of 1 September 1989 and Commission on Human Rights resolution 1990/69,

1. Expresses its gratitude and deep appreciation to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her valuable and important study on the status of the individual and contemporary international law (E/CN.4/Sub.2/1989/40);

2. Decides that the above-mentioned study should be published and widely disseminated.

[See chap. II, sect. A, resolution 1990/69, and chap. XIX.]

B. Draft decisions

1. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, noting Commission on Human Rights resolution 1990/7 of 19 February 1990, approves the Commission's decision to extend the mandate of the Special Rapporteur for two years in order to enable him to submit further conclusions and recommendations to the Commission and also approves the Commission's request to the Secretary-General to continue to provide all necessary financial resources and sufficient staff to the Special Rapporteur.

[See chap. II, sect. A, resolution 1990/7, and chap. IX.]

2. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Economic and Social Council, noting Commission on Human Rights resolution 1990/12 of 23 February 1990, approves the Commission's decision that the Group of Three shall meet for a period of not more than five days before the forty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Group of Three.

[See chap. II, sect. A, resolution 1990/12, and chap. XV.]

3. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

The Economic and Social Council, noting Commission on Human Rights resolution 1990/13 of 23 February 1990, approves the Commission's request to the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives.

[See chap. II, sect. A, resolution 1990/13, and chap. XVI.]

4. The right to development

The Economic and Social Council, noting Commission on Human Rights resolution 1990/18 of 23 February 1990, approves the Commission's request to the Secretary-General to publish the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9) as part of the World Public Information Campaign for Human Rights and to give it the widest possible circulation.

[See chap. II, sect. A, resolution 1990/18, and chap. VIII.]

5. Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

The Economic and Social Council, noting Commission on Human Rights decision 1990/21 of 23 February 1990, approves the annual recurrent cost of the system (see E/CN.4/1990/39, para. 63) and authorizes the inclusion of the annual recurrent cost in the programme budget for the biennium 1992-1993 when the proposed system is expected to become operational.

[See chap. II, sect. A, resolution 1990/21, and chap. XVIII.]

6. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Economic and Social Council, noting Commission on Human Rights resolution 1990/25 of 27 February 1990, approves the Commission's request to the Secretary-General to convene the forthcoming meeting of persons chairing human rights treaty bodies sufficiently in advance of the forty-fifth session of the General Assembly to enable consideration of the conclusions and recommendations of the meeting at that session.

[See chap. II, sect. A, resolution 1990/25, and chap. XVIII.]

7. Situation of human rights in South Africa

The Economic and Social Council, noting Commission on Human Rights resolution 1990/26 of 27 February 1990, approves (a) the Commission's decision that the Ad Hoc Working Group of Experts on southern Africa should continue to investigate and study the policies and practices which violate human rights in South Africa as well as infringements of trade union rights in South Africa, in accordance with Council resolution 1987/63 of 29 May 1987, (b) the Commission's decision to authorize the Chairman of the Ad Hoc Working Group of Experts, within existing resources, to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid, and (c) the Commission's request to the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the resolution.

[See chap. II, sect. A, resolution 1990/26, and chap. V]

8. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, noting Commission on Human Rights resolution 1990/27 of 2 March 1990, approves the Commission's decision to

extend the mandate of the Special Rapporteur for two years and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1990/27 and chap. XXIII.]

9. Question of enforced or involuntary disappearances

The Economic and Social Council, noting Commission on Human Rights resolution 1990/30 of 2 March 1990, approves the Commission's decision to extend for two years the term of the mandate of the Working Group on Enforced or Involuntary Disappearances as defined in Commission resolution 20 (XXXVI) of 29 February 1980 and also approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it.

[See chap. II, sect. A, resolution 1990/30, and chap. X.]

10. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

The Economic and Social Council, noting Commission on Human Rights resolution 1990/34 of 2 March 1990, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further two years, and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1990/34, and chap. X.]

11. Situation of human rights in Romania

The Economic and Social Council, noting Commission on Human Rights resolution 1990/50 of 6 March 1990, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further year and also approves the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1990/50, and chap. XII.]

12. Summary or arbitrary executions

The Economic and Social Council, noting Commission on Human Rights resolution 1990/51 of 6 March 1990, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further two years and also approves the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1990/51, and chap. XII.]

13. Situation of human rights in Afghanistan

The Economic and Social Council, noting Commission on Human Rights resolution 1990/53 of 6 March 1990, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further year and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1990/53, and chap. XII.]

14. Situation of human rights in Haiti

The Economic and Social Council, noting Commission on Human Rights resolution 1990/56 of 7 March 1990, approves the Commission's request to the Chairman of the Commission to appoint an independent expert to examine developments in the human rights situation in Haiti and also approves the Commission's request to the Secretary-General to give all the necessary assistance to the independent expert.

[See chap. II, sect. A, resolution 1990/56, and chap. XXII.]

15. Situation in Equatorial Guinea

The Economic and Social Council, noting Commission on Human Rights resolution 1990/57 of 7 March 1990, approves the Commission's request to the Secretary-General to provide such advisory services and other forms of appropriate assistance in the field of human rights as may be requested by the Government of Equatorial Guinea and also to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government.

[See chap. II, sect. A, resolution 1990/57, and chap. XXII.]

16. Advisory services in the field of human rights

The Economic and Social Council, noting Commission on Human Rights resolution 1990/58 of 7 March 1990, approves the Commission's request to the Secretary-General to provide urgently more human and financial resources for the enlargement of advisory services, particularly from section 24 of the regular budget concerning technical co-operation.

[See chap. II, sect. A, resolution 1990/58, and chap. XXII.]

17. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, noting Commission on Human Rights resolution 1990/62 of 7 March 1990, approves the Commission's request to the

Secretary-General to give the Chairman-Rapporteur of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities the resources and assistance needed to carry out her task, authorizes the Working Group to meet for 10 serviced meetings in the 10 working days prior to the forty-second session of the Sub-Commission, approves the Commission's request to the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks and also approves the Commission's request to the Secretary-General to organize, in 1991, within the existing resources and framework of the United Nations regular programme of technical co-operation, a technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples.

[See chap. II, sect. A, resolution 1990/62, and chap. XIX.]

18. Discrimination against people infected with the human immuno-deficiency virus (HIV) or people with the acquired immuno-deficiency syndrome (AIDS)

The Economic and Social Council, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/17 of 31 August 1989 and Commission on Human Rights resolution 1990/65 of 7 March 1990, authorizes a study of problems and causes of discrimination against people infected with the human immuno-deficiency (HIV) virus or people with the acquired immuno-deficiency syndrome (AIDS), to be undertaken by Mr. Luis Varela Quirós.

[See chap. II, sect. A, resolution 1990/65, and chap. XIX.]

19. Sale of children

The Economic and Social Council, noting Commission on Human Rights resolution 1990/68 of 7 March 1990, approves the Commission's request to the Chairman of the Commission to appoint for a period of one year a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes, and also approves the Commission's request to the Secretary-General to give the Special Rapporteur any necessary assistance.

[See chap. II, sect. A, resolution 1990/68, and chap. XIX.]

20. National institutions for the promotion and protection of human rights

The Economic and Social Council, noting Commission on Human Rights resolution 1990/73 of 7 March 1990, approves the Commission's request to the Secretary-General to convene a workshop, to be financed from the regular budget allocations of the advisory services and technical assistance programme, with the participation of national and regional institutions for

the promotion and protection of human rights, to review, *inter alia*, their co-operation with international institutions such as the United Nations and its bodies, with a view to increasing their effectiveness nationally and internationally.

[See chap. II, sect. A, resolution 1990/73, and chap. XI.]

21. Situation of human rights in El Salvador

The Economic and Social Council, noting Commission on Human Rights resolution 1990/77 of 7 March 1990, approves the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in El Salvador for another year.

[See chap. II, sect. A, resolution 1990/77, and chap. XII.]

22. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, noting Commission on Human Rights resolution 1990/79 of 7 March 1990, approves the Commission's decision to extend for a further year the mandate of the Special Representative on the human rights situation in the Islamic Republic of Iran, as contained in the Commission's resolution 1984/54 of 14 March 1984, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1990/79, and chap. XII.]

23. Assistance to Guatemala in the field of human rights

The Economic and Social Council, noting Commission on Human Rights resolution 1990/80 of 7 March 1990, approves the Commission's request to the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process and promote a human rights culture and also to appoint an independent expert as his representative to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights.

[See chap. II, sect. A, resolution 1990/80, and chap. XXII.]

24. Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, noting Commission on Human Rights decision 1990/103 of 23 February 1990, approves the publication and distribution on as wide a scale as possible of the final report of the

Special Rapporteur, Mr. Asbjørn Eide, entitled "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination" (E/CN.4/Sub.2/1989/8 and Add.1).

[See chap. II, sect. B, decision 1990/103, and chap. XVI.]

25. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Economic and Social Council, noting Commission on Human Rights decision 1990/105 of 6 March 1990, approves the endorsement by the Commission of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Asbjørn Eide with the task of preparing a study of national experience in the protection of minorities, and approves the Commission's request to the Secretary-General to give Mr. Eide all the assistance which may be necessary for the completion of this task.

[See chap. II, sect. B, decision 1990/105, and chap. XX.]

26. Traditional practices affecting the health of women and children

The Economic and Social Council, taking note of Commission on Human Rights decision 1990/109 of 7 March 1990, approves the Commission's decision that:

(a) The mandate of the Special Rapporteur, Mrs. Halima Embarek Warzazi, be extended for two years so as to enable her to present a more complete report;

(b) Field missions be undertaken by Mrs. Warzazi if possible to two countries, where harmful traditional practices are prevalent;

(c) International regional seminars be held on the subject of harmful traditional practices in Africa and Asia;

(d) All efforts be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and the economic and social commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the preliminary report (E/CN.4/Sub.2/1989/17 and Add.1).

[See chap. II, sect. B, decision 1990/109, and chap. XIX.]

27. International Year for the World's Indigenous People

The Economic and Social Council, noting Commission on Human Rights decision 1990/113 of 7 March 1990, decides to recommend that the General Assembly proclaim an International Year for the World's Indigenous

People, in 1993 or another appropriate year, in accordance with established procedures governing the proclamation of international years.

[See chap. II, sect. B, decision 1990/113 and chap. XIX.]

28. Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989

The Economic and Social Council, noting Commission on Human Rights decision 1990/115 of 9 March 1990, approves the Commission's request to the Working Group established at its forty-sixth session under agenda item 11 to formulate recommendations pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989, to continue its work as a sessional working group during the forty-seventh session.

[See chap. II, sect. B, decision 1990/115, and chap. XI.]

29. Organization of the work of the forty-seventh session of the Commission on Human Rights

The Economic and Social Council, noting Commission on Human Rights decision 1990/116 of 9 March 1990, decides to authorize, if possible within existing financial resources, 30 fully-serviced additional meetings, including summary records, for the Commission's forty-seventh session. The Council takes note of the Commission's decision to request the Chairman at its forty-seventh session to make every effort to organize the work of the session within the normal allotted time, the additional meetings to be utilized only if they prove to be absolutely necessary.

[See chap. II, sect. B, decision 1990/116, and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE
COMMISSION AT ITS FORTY-SIXTH SESSION

A. Resolutions

1990/1. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2 of the Universal Declaration of Human Rights, everyone has the right to leave any country including his own and to return to his country,

Affirming that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem,

Seriously concerned at the recent suggestions that immigrants to Israel may be settled in the occupied territories,

1. Affirms that the settling of Israeli civilians in the occupied territories is illegal and contravenes the relevant provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War,

2. Calls upon the Government of Israel to refrain from settling immigrants in the occupied territories.

28th meeting
16 February 1990

[Adopted by a roll-call vote of 42 to none,
with 1 abstention. See chap. IV.]

1990/2. Question of violations of human rights in occupied Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions, including resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988,

Recalling further General Assembly resolutions on Israeli violations of human rights in occupied Palestine,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599),

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that result in the killing and wounding of defenceless Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, the ransacking of real or personal property belonging individually or collectively to private persons, collective punishment and detention, and the confiscation of the property of the inhabitants, including their bank accounts, as happened recently in the village of Beit Sahour;

2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions, consistent with the purposes and principles of the Charter of the United Nations;

3. Calls once more upon Israel to desist from all forms of violations of human rights in the Palestinian and other occupied Arab territories and to respect the principles of international law;

4. Calls upon Israel to withdraw from the Palestinian and other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation to the Commission on Human Rights at its forty-seventh session;

6. Further requests the Secretary-General to provide the Commission with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the population of the Palestinian and other occupied Arab territories is living;

7. Decides to consider the question at its forty-seventh session as a matter of high priority.

28th meeting
16 February 1990

[Adopted by 38 votes to 1,
with 1 abstention. See chap. IV.]

B

The Commission on Human Rights.

Recalling Security Council resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986 and 605 (1987) of 22 December 1987, as well as all its previous resolutions on the application of the Geneva Conventions of 12 August 1949 to the Palestinian and other Arab territories occupied by Israel and the refusal of Israel to abide by those Conventions,

Recalling all relevant General Assembly resolutions,

Recalling the decisions of the International Conference of the Red Cross in respect of the application of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Recalling its previous resolutions on this question,

Taking into account that States parties to the Fourth Geneva Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

Recalling the wide international support to the accession of Palestine to the Geneva Conventions of 1949, as expressed in resolution 1989/4 of 31 August 1989 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session, as well as in the resolution adopted by the ninth Conference of Heads of State or Government of the Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989 (see A/44/551, annex), which both welcomed the accession of Palestine to the four Geneva Conventions of 1949,

1. Reaffirms that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Welcomes with high appreciation the accession of Palestine to the four Geneva Conventions of 1949;

3. Urges once more all States parties to the Fourth Geneva Convention to make every effort to ensure respect for, and compliance with, the provisions of that Convention in all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

4. Strongly condemns once more Israel's refusal to apply the Fourth Geneva Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, and Israel's policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons and concentration camps, and its disregard for the provisions of the Fourth Geneva Convention;

5. Strongly condemns Israel for its violations of article 49 of the Fourth Geneva Convention by pursuing a policy of deportation and expulsion of Palestinian citizens, and calls upon Israel to comply with the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which provide for their return to their homeland, and to desist forthwith from this policy;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission on Human Rights at its forty-seventh session;

7. Decides to consider the question at its forty-seventh session as a matter of high priority.

28th meeting
16 February 1990

[Adopted by a roll-call vote of 32 to 1,
with 10 abstentions. See chap. IV.]

1990/3. Human rights in the occupied Syrian Arab territory

The Commission on Human Rights.

Deeply concerned by the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and by continued Israeli military occupation and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its

laws, jurisdiction and administration in the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988 and 44/2 of 6 October 1989,

Recalling General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant resolutions in which the Assembly, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from all the Arab territories occupied since 1967,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territories by force is inadmissible under the Charter of the United Nations and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Arab Territories (A/44/599),

Recalling its resolution 1989/1 of 17 February 1989,

Recalling the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and relevant provisions of The Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel of its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan and to impose a boycott on their agricultural products, and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-seventh session;

7. Decides to include in the provisional agenda of its forty-seventh session, as a matter of high priority, the item "Question of the violation of human rights in the occupied Arab territories, including Palestine".

28th meeting
16 February 1990

[Adopted by 42 to 1.
See chap. IV.]

1990/4. Question of Western Sahara

The Commission on Human Rights.

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling General Assembly resolution 44/28 of 11 December 1989 on the question of Western Sahara,

Recalling resolution AHG/Res.104 (XIX) on Western Sahara, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Taking note with appreciation of the resolution on Western Sahara adopted by the ninth Conference of Heads of State or Government of Non-Aligned countries, held at Belgrade from 4 to 7 September 1989,

Recalling Security Council resolution 621 (88) of 20 September 1988 on the question of Western Sahara,

Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981, 1982/15 of 25 February 1982, 1983/6 of 16 February 1983, 1984/13 of 29 February 1984, 1985/5 of 26 February 1985, 1986/21 of 10 March 1986, 1987/3 of 19 February 1987, 1988/5 of 22 February 1988 and 1989/18 of 6 March 1989,

Reiterating its support for the joint good offices process initiated in New York on 9 April 1986 by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to implementing resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity and General Assembly resolution 40/50 of 2 December 1985,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

1. Takes note with appreciation of the report of the Secretary-General on the question of Western Sahara (A/44/634 and Corr.1);

2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

3. Emphasizes the importance of the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to hold a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

4. Welcomes the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the

Secretary-General of the United Nations to promote a just and lasting solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

5. Further welcomes the progress achieved through the joint good offices process and urges the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts to resolve outstanding problems and thereby to create the conditions necessary for holding a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

6. Notes with satisfaction the establishment of a technical committee to assist the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations in their joint good offices to solve the question of Western Sahara;

7. Welcomes the talks at Marrakesh between His Majesty King Hassan II of Morocco and a high-ranking delegation of the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro, and endorses the hope expressed by the Secretary-General of the United Nations and the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity that further meetings of this nature will take place in order to strengthen prospects for the success of the peace process;

8. Expresses its conviction that continuation of the direct dialogue between the two parties to the conflict could contribute to the successful conclusion of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara, and to the stability and security of the region as a whole;

9. Associates itself with the appeal of the General Assembly, in its resolution 44/88, to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to display a spirit of co-operation and the political goodwill necessary to ensure the success of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations;

10. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the Assembly at its forty-fifth session;

11. Decides to follow the development of the situation in Western Sahara and to consider the question at its forty-seventh session, as a matter of high priority, under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

28th meeting
16 February 1990

[Adopted without a vote. See chap. IX.]

1990/5. Situation in Afghanistan

The Commission on Human Rights,

Recalling its resolution 1989/23 of 6 March 1989,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Noting the conclusion at Geneva, on 14 April 1988, of the Agreements on the Settlement of the Situation Relating to Afghanistan,

Welcoming the completion, on 15 February 1989, of the withdrawal of foreign troops from Afghanistan in accordance with the Geneva Agreements,

Recalling General Assembly resolutions 43/20 of 3 November 1988 and 44/15 of 1 November 1989, in which the Assembly reaffirmed, inter alia, the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the situation in Afghanistan, which resulted from the violation of principles of the Charter of the United Nations and of the recognized norms of inter-State conduct,

Aware of the continuing concern of the international community over the suffering of the Afghan people and the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees,

Deeply conscious of the urgent need for a comprehensive political solution of the situation in respect of Afghanistan, on the basis of the free exercise of the right of self-determination by the people of Afghanistan,

1. Emphasizes the importance of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988, under United Nations auspices, which constitute an important step towards a comprehensive political solution of the Afghanistan problem;

2. Calls for the scrupulous respect for and faithful implementation of the Geneva Agreements by all parties concerned who should fully abide by their letter and spirit;

3. Expresses its appreciation to the Secretary-General for his constant efforts to achieve a political solution of the Afghanistan problem;

4. Reaffirms the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

5. Reiterates that the preservation of the sovereignty, territorial integrity, political independence and non-aligned and Islamic character of Afghanistan is essential for a peaceful solution of the Afghanistan problem;

6. Emphasizes the need for an early start of the intra-Afghan dialogue for the establishment of a broad-based government to ensure the broadest support and immediate participation of all segments of the Afghan people;

7. Calls upon all parties concerned to work for the urgent achievement of a comprehensive political solution and the creation of the necessary conditions of peace and normalcy which would enable the Afghan refugees to return voluntarily to their homeland in safety and honour;

8. Requests the Secretary-General to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Agreements and General Assembly resolution 44/15;

9. Renews its appeal to all States and national and international organizations to continue to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

10. Calls upon all States to provide adequate financial and material resources to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for the purposes of the speedy repatriation and rehabilitation of the Afghan refugees in their country, as well as for its economic and social reconstruction;

11. Decides to consider the question at its forty-seventh session under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

28th meeting
16 February 1990

[Adopted without a vote. See chap. IX.]

1990/6. Situation in occupied Palestine

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference,

Recalling Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern at Israel's persistence in preventing the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community,

Recalling that military aggression by the forces of any State against the territory of another State constitutes an offence against the peace and security of mankind,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which constitutes the core of the Arab-Israeli conflict,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which encourages and supports Israel in its aggressive and expansionist policies and its continued occupation of Palestinian and other Arab territories,

1. Reaffirms that the Israeli occupation of Palestine constitutes a gross violation of human rights and an offence against the peace and security of mankind;

2. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of their independent sovereign State on their national soil in accordance with the Charter of the United Nations and resolutions adopted by the General Assembly since 1947;

3. Reaffirms the inalienable right of the Palestinians to return to their homeland, Palestine, in accordance with General Assembly resolution 194 (III) and subsequent relevant resolutions;

4. Reaffirms the right of the Palestinian people to recover their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions, and affirms that the intifadah of the Palestinian people against the Israeli occupation since 8 December 1987 is a form of legitimate resistance and an expression of their rejection of the occupation;

5. Reaffirms its support for the call to convene an effective international peace conference on the Middle East, with the participation of the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, under the auspices of the United Nations, in accordance with the resolutions of the General Assembly and the Security Council, and to guarantee the inalienable national rights of the Palestinian people, in particular their right to self-determination;

6. Strongly condemns Israel for its continued occupation of the Palestinian territories, which constitutes the main obstacle to the exercise by the Palestinian people of their national rights, foremost of which is their right to free self-determination on their national soil;

7. Calls upon Israel to comply with its obligations under the Charter of the United Nations and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967, in accordance with the relevant United Nations resolutions;

8. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to recover their rights and to liberate their land from Israeli occupation, in accordance with the Charter of the United Nations and with the relevant United Nations resolutions;

9. Requests the Secretary-General to make available to the Commission on Human Rights, prior to the convening of its forty-seventh session, all information pertaining to the implementation of the present resolution;

10. Requests the Secretary-General to transmit the present resolution to the Government of Israel with a view to its implementation, and to report thereon to the Commission at its forty-seventh session;

11. Decides to include in the provisional agenda of its forty-seventh session, as a matter of high priority, the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider, in the context of this item, the situation in occupied Palestine.

29th meeting
19 February 1990

[Adopted by 30 votes to 1, with 10 abstentions
See chap. IX.]

1990/7. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights.

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use of force or of the threat of the use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated with mercenary activities,

Deeply concerned about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

Recognizing that the use of mercenaries is a threat to international peace and security,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling the relevant resolutions of the General Assembly, particularly resolutions 42/96 of 7 December 1987, 43/107 of 8 December 1988 and 44/81 of 8 December 1989, in which the Assembly denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, inter alia, condemned any State that persisted in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them with the objective of overthrowing the Governments of States Members of the United Nations,

Recalling its own resolutions 1986/26 of 10 March 1986 and 1987/16 of 9 March 1987, in which it condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries as well as other forms of support to mercenaries and, in the latter resolution, decided to appoint a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination,

Recalling also its resolutions 1988/7 of 22 February 1988, 1988/30 of 8 March 1988 and 1989/21 of 6 March 1989, by which the mandate of the Special Rapporteur was continued,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing the use of mercenaries and its adverse effects on the independence and territorial integrity of African States,

Reaffirming the decision in General Assembly resolution 32/130 of 16 December 1977 to accord priority to the search for solutions to the massive and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Alarmed at the emergence of new criminal activities of mercenaries in collusion with drug traffickers in some countries, especially Colombia,

Concerned that small island States, such as the Comoros and Maldives, are especially vulnerable to mercenary activity,

Deeply concerned at the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of Central American and southern African countries resulting from mercenary aggression,

Welcoming the adoption by the General Assembly, in its resolution 44/34 of 4 December 1989, of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which constitutes an important step forward in the matter and an important new instrument for States wishing to make adjustments in their domestic legislation,

Taking into account the existence of mercenary activities, with the characteristics set forth in the report of the Special Rapporteur (E/CN.4/1990/11), against Angola, the Comoros, Maldives and Nicaragua,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing or overthrowing the Governments of southern Africa, the Comoros, Maldives and Nicaragua and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. Considers it inadmissible to use channels of humanitarian and other assistance to finance, train and arm mercenaries;

3. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

4. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for recruitment, assembly, financing, training and transit of mercenaries or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity;

5. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory, as well as all other forms of support and assistance to mercenaries;

6. Expresses the hope that the International Convention against the Recruitment, Use, Financing and Training of Mercenaries will be signed and ratified by the largest possible number of States in order to assure its entry into force in the shortest possible time;

7. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1990/11);

8. Decides to extend the mandate of the Special Rapporteur for two years in order to enable him to submit further conclusions and recommendations to the Commission;

9. Expresses its appreciation to the Governments of Angola and Nicaragua as well as other Governments for the co-operation which they extended to the Special Rapporteur;

10. Reaffirms the right of all countries to non-interference in their internal affairs, self-determination and full sovereignty, and welcomes the steps taken towards the peaceful solution of the conflicts, particularly in Central America and southern Africa;

11. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek the co-operation of Governments, intergovernmental and non-governmental organizations and national liberation movements recognized by regional intergovernmental organizations;

12. Requests the Secretary-General to continue to provide all necessary financial resources and sufficient staff to the Special Rapporteur;

13. Requests the Special Rapporteur, in carrying out his mandate, to follow closely the process of ratification and the mode of application of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and to use his good offices to encourage States to become parties to the Convention, and further requests the Special Rapporteur to include in his future reports information on the state of ratifications and the mode of application of the Convention;

14. Also requests the Special Rapporteur, in carrying out his mandate, to continue to study credible and reliable reports of mercenary activity in developing countries, in particular smaller States, to determine the scope and implications of such activities and the possible responsibility of third parties by means, inter alia, of on-site visits where appropriate;

15. Also requests the Special Rapporteur to seek the point of view of those Governments in whose territories, according to the information communicated to him, mercenaries may have been recruited or trained or may have been provided with facilities for launching armed aggression against other States;

16. Further requests the Special Rapporteur to develop further the position that mercenary acts are means of violating human rights and thwarting the self-determination of peoples;

17. Urges all Governments, particularly those which have suffered from acts of mercenaries, to facilitate the task of the Special Rapporteur and to invite him to conduct on-site visits where appropriate;

18. Recommends that the Special Rapporteur accept the invitation extended to him by the Government of Maldives to visit that country and carry out a thorough investigation of the mercenary activity to which it has been subject;

19. Requests the Special Rapporteur to submit to the Commission at its forty-seventh session a report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, together with his conclusions and recommendations, and to submit a preliminary report to the General Assembly at its forty-fifth session under the agenda item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights";

20. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the present resolution;

21. Decides to continue the consideration of the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination at its forty-seventh session, as a matter of high priority, under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

29th meeting
19 February 1990

[Adopted by 31 votes to 10, with 1 abstention.
See chap. IX.]

1990/8. Situation in southern Africa

The Commission on Human Rights,

Bearing in mind the importance for the effective guarantee and observance of human rights of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Bearing in mind that the provisions of Additional Protocol I of 1977 to the Geneva Conventions of 12 August 1949 apply to freedom fighters in South Africa fighting for democracy, freedom and self-determination,

Recalling General Assembly resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the Harare Declaration of 21 August 1989 on the question of South Africa, adopted by the Organization of African Unity Ad hoc Committee on southern Africa (A/44/697, annex),

Recalling resolution 1207 (L) on South Africa, adopted by the Council of Ministers of the Organization of African Unity at its fiftieth ordinary session, held at Addis Ababa from 17 to 22 July 1989 (A/44/603, annex I),

Deeply concerned about the acts of aggression and destabilization perpetrated by the Pretoria régime against the front-line States,

Condemning the continued colonialist and racist oppression of millions of Africans by the racist minority régime of South Africa, through its persistent and intransigent attitude towards all efforts being made to bring about a democratic and internationally acceptable solution to the situation prevailing in South Africa,

Reaffirming that "bantustanization" is incompatible with genuine independence, national unity, self-determination and territorial integrity and has the effect of perpetuating the power of the minority and the racist system of apartheid in South Africa,

Convinced that the system of apartheid is a gross violation of the right to self-determination of the people of South Africa,

Reaffirming the legitimacy of the struggle of the people of South Africa for their right to self-determination,

Condemning the so-called general election held on 6 September 1989 as it seeks to further entrench white supremacy and impede the realization of free and fair elections based on universal adult suffrage in a united and democratic South Africa,

Taking note of the statement made by Mr. F.W. De Klerk on 2 February 1990, particularly the reference made with regard to the release of Nelson Mandela and the lifting of the ban on anti-apartheid parties and movements,

Taking note also of the Declaration on Apartheid and its Destructive Consequences for Southern Africa, adopted on 14 December 1989 by the General Assembly at its sixteenth special session (resolution S-16/1),

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without delay their inalienable right to self-determination and independence;
2. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, in accordance with the Charter and relevant United Nations resolutions, for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa;
3. Reiterates its affirmation that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and poses a serious threat to international peace and security;
4. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide all moral and material assistance to the oppressed people of South Africa;
5. Strongly condemns the continued violations of the human rights of peoples still under colonial and foreign domination and the perpetuation of the racist minority régime in South Africa;
6. Condemns the policy of "bantustanization", which denationalizes the majority of the South African people and is contrary to the principle of self-determination and inconsistent with genuine independence, national unity and territorial integrity;
7. Condemns the imposition of censorship and other restrictions on the media by the racist régime, in particular on press reports and the transmission of audio-visual material, aimed at concealing from world public opinion the ruthless atrocities perpetrated by the apartheid régime against the people of South Africa;
8. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence and that it guarantee full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

9. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid régime of South Africa against front-line and other neighbouring States and, in this regard, demands that all States impose mandatory and comprehensive sanctions against South Africa, in order to stop it from committing further acts of aggression and destabilization of neighbouring States;

10. Demands a democratic and non-racial solution in South Africa based on the principle of universal and equal suffrage without any discrimination, in order to allow the people of South Africa freely to enjoy their right to self-determination;

11. Demands that all necessary measures be taken to dismantle the system of apartheid;

12. Welcomes the release of Nelson Mandela, demands the immediate and unconditional release of all political prisoners as well as detainees, and calls on the South African régime to refrain from imposing any restriction on them;

13. Calls for the full implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted on 14 December 1989 by the General Assembly at its sixteenth special session (S-16/1);

14. Decides to include in the provisional agenda of its forty-seventh session the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration.

29th meeting
19 February 1990

[Adopted by a roll-call vote of 32 to 2,
with 9 abstentions. See chap. IX.]

1990/9. Situation in Cambodia

The Commission on Human Rights,

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981, 1982/13 of 25 February 1982, 1983/5 of 15 February 1983, 1984/12 of 29 February 1984, 1985/12 of 27 February 1985, 1986/25 of 10 March 1986, 1987/6 of 19 February 1987, 1988/6 of 22 February 1988 and 1989/20 of 6 March 1989 and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/115 of 27 May 1983, 1984/148 of 24 May 1984, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987, 1988/143 of 27 May 1988 and 1989/156 of 24 May 1989,

Recalling that all General Assembly resolutions and all its resolutions reaffirm the inherent and inalienable right of the people of Cambodia to fundamental freedoms and human rights, in particular the right to self-determination,

Also recalling that the General Assembly, in its resolution 44/22 of 16 November 1989, inter alia, called upon all parties concerned to intensify all efforts towards ensuring that the Cambodian problem be resolved through a comprehensive political settlement, with effective guarantees,

Further recalling that the General Assembly, in its resolution 44/22, affirmed that any withdrawal of foreign forces from Cambodia without United Nations supervision, control and verification is not within the framework of a comprehensive political settlement,

Considering that a complete withdrawal of foreign forces must be verified by the United Nations,

Emphasizing that the effective and full enjoyment of human rights, particularly the inalienable right to self-determination by the Cambodian people, as well as the solution of humanitarian problems cannot be achieved without a comprehensive political settlement of the problem in Cambodia,

Greatly disturbed that the continuing conflict and instability in Cambodia have forced additional numbers of Cambodians to flee their own homeland as refugees and displaced persons outside Cambodia,

Expressing its deep appreciation to the host country, Thailand, the donor countries, the United Nations, the specialized agencies and other humanitarian organizations for facilitating and ensuring the effective and efficient provision of humanitarian relief assistance to those Cambodian displaced persons in border camps,

Emphasizing that it is the inalienable right of those Cambodians who have sought temporary refuge in neighbouring countries to return in safety, security and dignity,

Seriously concerned about reported demographic changes imposed in Cambodia as a result of foreign occupation which are a threat to the survival of the Cambodian people and culture,

Recognizing that the Jakarta Informal Meetings held from 25 to 28 July 1988 (see A/43/493-S/20071) and from 19 to 21 February 1989 (see A/44/138-S/20477 and Corr.1) have made a significant contribution towards achieving a comprehensive political settlement of the Cambodian problem,

Recognizing also that the first ministerial meeting of the International Conference on Cambodia, held in Paris from 30 July to 30 August 1989, achieved progress in elaborating a wide variety of elements necessary for reaching a comprehensive settlement, although it was not yet possible to achieve a

comprehensive political settlement, and that the Conference should be reconvened in due time after consultations by the co-presidents with the participants (see A/44/720-S/20959),

Recalling that the General Assembly, in its resolution 44/22, took note of the report of the Secretary-General (A/44/670) on the implementation of Assembly resolution 43/19 of 3 November 1988 as well as the report of the Ad Hoc Committee of the International Conference on Cambodia on its activities during 1988-1989 (A/CONF.109/15),

Noting the recent various proposals made as well as those by the five permanent members of the United Nations Security Council, as set out in the summary of conclusions issued in Paris on 16 January 1990, on an enhanced role of the United Nations,

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Cambodia as expressed in its resolutions adopted in the last ten years, namely, resolutions 29 (XXXVI), 11 (XXXVII), 1982/13, 1983/5, 1984/12, 1985/12, 1986/25, 1987/6, 1988/6 and 1989/20;

2. Emphasizes that the Cambodian people should be enabled to exercise their inalienable right to self-determination through free, fair and democratic elections under United Nations supervision;

3. Reiterates its conviction that the withdrawal of all foreign forces from Cambodia under supervision, control and verification of the United Nations, the cessation of all outside military assistance, the creation of an interim administering authority, the promotion of national reconciliation among Cambodians under the leadership of Samdech Norodom Sihanouk, the non-return to the universally condemned policies and practices of a recent past, the restoration and preservation of the independence, sovereignty, territorial integrity and neutral and non-aligned status of Cambodia, the reaffirmation of the right of the Cambodian people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Cambodia, with effective guarantees, are the principal components of any just, lasting and comprehensive political settlement of the Cambodian problem;

4. Calls upon all parties concerned to intensify urgently all efforts towards assuring that the Cambodian problem be resolved through a comprehensive political settlement in order to end human rights abuses inflicted upon Cambodians and enable the Cambodian people to determine their own future, to prevent further hostilities, subsequent loss of life and the continued suffering of the Cambodian people, and to ensure the independence, sovereignty, territorial integrity, neutral and non-aligned status of Cambodia, and the non-return to the universally condemned policies and practices of a recent past;

5. Expresses its strong conviction that the establishment and realization of a genuine, durable and lasting peace in Cambodia can be achieved only through the exercise by the Cambodian people of their inalienable rights and fundamental freedoms in conformity with the true intent, purpose and spirit of the principles of human rights;

6. Recommends that the Economic and Social Council at its first regular session of 1990 continue to consider, and in particular undertake, appropriate measures aimed at the early implementation of relevant recommendations with a view to achieving the full enjoyment of the fundamental human rights and freedoms of the Cambodian people, particularly the inalienable right to self-determination;

7. Decides to keep the situation in Cambodia under review as a matter of high priority at its forty-seventh session under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

29th meeting
19 February 1990

[Adopted by a roll-call vote of 31 to 5,
with 6 abstentions. See chap. IX.]

1990/10. Situation in Panama

The Commission on Human Rights.

Recalling General Assembly resolution 44/240 of 29 December 1989,

Reaffirming the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat,

Recalling that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the need to restore conditions which will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people and its right to decide its future in free and sovereign fashion,

1. Strongly deplores the foreign military intervention in Panama which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Panama;

2. Demands the immediate cessation of that intervention;
3. Demands full respect for and strict observance of the letter and spirit of the Torrijos-Carter Treaties;
4. Calls upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama and the right of its people to decide its future in free and sovereign fashion.

32nd meeting
20 February 1990

[Adopted by a roll-call vote of 14 to 8,
with 17 abstentions. See chap. IX.]

1990/11. Detention, torture and other inhuman treatment
of children in South Africa

The Commission on Human Rights,

Recalling its resolutions 1987/14 of 3 March 1987, 1988/11 of 29 February 1988 and 1989/4 of 23 February 1989,

Recalling also General Assembly resolutions 42/124 of 7 December 1987, 43/134 of 8 December 1988 and 44/143 of 15 December 1989, adopted without a vote, in which the Assembly expressed its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa,

Recalling the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) as well as the report of the Secretary-General (E/CN.4/1990/6),

Having also examined Mr. F.W. de Klerk's statement of 2 February 1990 and taken note of it,

Appalled at the continuing evidence that children in South Africa are subjected to detention, torture and inhuman treatment,

Gravely concerned about reports of the continuing repressive measures targeted on children in South Africa,

Noting with indignation the impotence of the South African judiciary and the degradation of its professional ethics,

Reiterating its position that apartheid is repugnant, immoral and constitutes an affront to human dignity,

1. Reiterates its vigorous condemnation of the detention, torture and inhuman treatment of children in South Africa;

2. Demands that South Africa lift forthwith the restrictions imposed on children, particularly those released from detention, and ensure their basic and legitimate freedoms of movement, association and education;

3. Demands also the immediate and unconditional release of all children held in detention;

4. Demands further the immediate and total termination of the state of emergency and the abrogation of all repressive and discriminatory legislation;

5. Requests all relevant United Nations bodies, specialized agencies and non-governmental organizations to launch a world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

6. Further demands the immediate and total abolition of the apartheid system and its replacement with a non-racial representative government based on the principle of universal suffrage;

7. Appeals to the international community to adopt concrete and effective measures to bring pressure to bear against the Government of South Africa until it dismantles apartheid and abandons all inhuman practices associated with this policy;

8. Requests the Ad Hoc Working Group of Experts on southern Africa to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa and report to the Commission on Human Rights at its forty-seventh session;

9. Requests the Secretary-General to provide every assistance to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

10. Requests also the Secretary-General to intervene with the Government of South Africa in order to bring to an end the detention, torture and other forms of inhuman treatment of children in South Africa and to report on the outcome of his efforts to the Commission on Human Rights at its forty-seventh session;

11. Further requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations bodies, specialized agencies and non-governmental organizations;

12. Decides to discuss the question of detention, torture and other inhuman treatment of children in South Africa at its forty-seventh session under the agenda item "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts".

38th meeting
23 February 1990

[Adopted without a vote. See chap. V.]

1990/12. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988 and 44/79 of 8 December 1989,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988 and 1989/8 of 23 February 1989,

Recalling also its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report of the Group of Three established under article IX of the Convention (E/CN.4/1990/35),

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Convinced that the crime of apartheid is a form of the crime of genocide,

Reaffirming the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of apartheid,

Expressing concern at the fact that only one State acceded to the Convention in 1989,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

Reaffirming its conviction that the imposition of comprehensive and mandatory sanctions against the racist régime of South Africa is a peaceful means available to the international community for putting an end to the system of apartheid,

1. Takes note with appreciation of the report of the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1989/8;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Requests the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group of Three at any time in the intervening period if they wish to do so;

5. Urges once again the States which have not yet done so to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa;

6. Also urges all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

7. Recommends once again that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

8. Reiterates its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;

9. Draws the attention of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

10. Calls upon all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

11. Calls upon States parties to strengthen their co-operation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

12. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three;

13. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

14. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

15. Requests the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

16. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission on Human Rights at its forty-seventh session;

17. Requests the Secretary-General to invite States parties to the Convention, the specialized agencies and the non-governmental organizations to provide the Commission with relevant information concerning the types of crimes of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

18. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention, and to give consideration to drawing up model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

19. Decides that the Group of Three shall meet for a period of not more than five days before the forty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

20. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

38th meeting
23 February 1990

[Adopted by a roll-call vote of 32 to 2,
with 9 abstentions. See chap. XV.]

1990/13. Implementation of the Programme of Action for the Second
Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1989/9 of 23 February 1989,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism or racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

Noting with concern that, despite the efforts of the international community, the principal objectives of the First Decade for Action to Combat Racism and Racial Discrimination were not attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recalling General Assembly resolution 44/52 of 8 December 1989, in which the Assembly noted with regret that the current situation of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination was not encouraging, and strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund,

Noting that the topic for thematic consideration in 1991 will be "Ways and means of denying support to racist régimes with a view to making them change their policies",

Taking note of the report of the Secretary-General (E/CN.4/1990/36),

1. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

2. Appeals to those States that have not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the International Convention against Apartheid in Sports, as well as the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

3. Emphasizes again the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requests once again the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in the field, a handbook of recourse procedures;

4. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

5. Urges all States and international organizations to co-operate with the Secretary-General in the implementation of those activities for the period 1985-1989 (see A/39/167-E/1984/33 and Add.1 and 2) not yet undertaken and of the plan of activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47 of 30 November 1987;

6. Strongly appeals to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination;

7. Requests the Secretary-General to inform the Commission on Human Rights of the measures taken, pursuant to General Assembly resolution 42/47, to ensure the inclusion in the bienniums 1990-1991 and 1992-1993 of sufficient resources to provide for implementation of the activities of the Second Decade for Action to Combat Racism and Racial Discrimination;

8. Also requests the Secretary-General to inform the Commission on Human Rights annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission can make its contribution thereto;

9. Takes note with satisfaction of General Assembly resolution 44/52, in which the Assembly reiterated its request to the Economic and Social Council to submit to it annually, throughout the Second Decade, a report on the activities undertaken or contemplated to achieve the objectives of the Second Decade;

10. Decides to give thematic consideration each year to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47;

11. Recalls its resolution 1989/9, in which it decided that the topic for such thematic consideration in 1991 will be "Ways and means of denying support to racist régimes with a view to making them change their policies";

12. Decides that the topic for 1992 will be "Treatment of political prisoners and detainees in South Africa, particularly women and children";

13. Takes note with satisfaction of the study by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on the results achieved and the obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade (E/CN.4/Sub.2/1989/8 and Add.1), decides to transmit it to the General Assembly at its forty-fifth session and recommends that it be published and distributed on as wide a scale as possible;

14. Takes note also with satisfaction of the report on the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens from 18 to 26 September 1989 (E/CN.4/1990/50), and requests the Secretary-General to give it wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental and non-governmental organizations;

15. Invites the Secretary-General to ensure the effective implementation of those activities proposed for the first half of the Second Decade that have not yet been undertaken and to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47;

16. Requests the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives;

17. Decides to consider the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination as a matter of high priority at its forty-seventh session.

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVI.]

1990/14. Popular participation in its various forms as an important factor in development and in the full realization of all human rights

The Commission on Human Rights.

Recalling the resolutions and decisions of the General Assembly and the Economic and Social Council relating to the question of popular participation in its various forms as an important factor in development and in the full realization of all human rights,

Recalling also its resolutions on popular participation, including resolution 1989/14 of 2 March 1989 by which it requested the Secretary-General to submit a report containing comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1985/10 and Add.1 and 2) made by Governments, United Nations organs, specialized agencies and non-governmental organizations for consideration at its forty-sixth session,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1990/8) containing, inter alia, information on the substantive replies received so far;

2. Requests the Secretary-General, in preparing a study regarding the question of the extent to which the right to participation has been established and has evolved at the national level, to be submitted to the Commission on Human Rights at its forty-seventh session, to use once again all channels at his disposal to collect the relevant information and substantive views and comments on the study on popular participation;

3. Decides to consider the question of popular participation at its forty-seventh session under the agenda sub-item "Popular participation in its various forms as an important factor in development and in the full realization of all human rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/15. Human rights and extreme poverty

The Commission on Human Rights.

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights remain interrelated goals,

Deeply concerned by the fact that, despite the progress achieved by the international community in ensuring the effective enjoyment of the rights of the person, extreme poverty continues to spread throughout the world, seriously affecting the most vulnerable and disadvantaged individuals, families and groups in all countries, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Recalling its resolution 1989/10 of 2 March 1989, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give particular attention to extreme poverty and exclusion from society and to examine the feasibility of a study of this question,

Recalling General Assembly resolution 44/148 of 15 December 1989, entitled "Human rights based on solidarity",

Recalling resolution 1989/8, "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund at its first regular session of 1989, in which it is emphasized, inter alia, that a more thorough knowledge of the situation of the poorest, of their living conditions and the pre-conditions for their partnership would make it easier to reach the groups in question,

Recalling resolution 1989/20 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission endorsed the preliminary conclusions of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19, para. 94),

Bearing in mind the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

Aware of the necessity of a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Requests States, United Nations bodies, the specialized agencies and other international organizations, including non-governmental organizations, to give the necessary attention to this problem when they make known their views on human rights based on solidarity, pursuant to General Assembly resolution 44/148;

3. Draws the attention of the General Assembly and all United Nations bodies to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the ability to enjoy human rights fully;

4. Urges the Committee on Economic, Social and Cultural Rights to give the necessary attention, in its work, to the question of extreme poverty and exclusion from society;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/16. Question of trade union rights

The Commission on Human Rights.

Recalling that in the preambles to the International Covenants on Human Rights it is recognized that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from protection and promotion of the other rights,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Further recalling the most important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Deeply concerned by the fact that in many countries persons who exercise their trade union rights in striving for a more just society and human dignity are subject to serious violations of their fundamental human rights, including the right to life,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their trade union rights freely and in full;

2. Requests Governments to take immediate action to put an end to existing violations of these rights;

3. Invites Member States that have not yet done so to ratify and apply in full the International Labour Organisation 1948 Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87) and the 1949 Convention concerning the Application of the Principles of the Right to Organise and Bargain Collectively (No. 98).

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights.

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems of their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international co-operation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international co-operation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and co-operation to the Committee on Economic, Social and Cultural Rights, inter alia, by ensuring that expert representatives are designated for the presentation of States' reports and by the preparation, in consultation with relevant government departments and agencies, of succinct information;

3. Welcomes the establishment by the Committee on Economic, Social and Cultural Rights of a pre-sessional working group to ensure better preparation for the Committee's work, and invites the Committee to continue to develop as a matter of priority its general guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General (A/40/600/Add.1) and focusing on such specific information as would assist the Committee to carry out its mandate more effectively;

4. Welcomes the adoption by the Committee on Economic, Social and Cultural Rights of a general comment at both its third and fourth sessions, and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the Covenant;

5. Welcomes the dialogue between the Committee on Economic, Social and Cultural Rights and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, Mr. Danilo Türk, and expresses the hope that the dialogue will continue;

6. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive realization of the rights recognized in the Covenant, and in this context to pay particular regard to the most vulnerable and disadvantaged;

7. Affirms that full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

8. Invites Member States to include measures to ensure the promotion and protection of human rights in national development policies and programmes;

9. Welcomes the Committee's decision to devote one day at each of its sessions to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues, and urges States parties, the specialized agencies and non-governmental organizations to contribute actively to the Committee's work through the various opportunities provided for in both written statements and oral interventions;

10. Welcomes the Committee's focus in its general comment on article 22 of the Covenant, adopted at its fourth session (see E/1990/23, annex III), on the means by which the various United Nations agencies working in the field of development could seek to integrate measures designed to promote full respect for economic, social and cultural rights in their activities;

11. Requests the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of development agencies and, in this regard, notes the relevance of the programme of advisory services.

12. Requests the Secretary-General to consult the Committee with a view to eliciting its recommendations as to how the programme of advisory services in the field of human rights could best be used to promote enhanced respect for economic, social and cultural rights;

13. Urges the Economic and Social Council, in reviewing its activities pursuant to General Assembly resolution 41/213 of 19 December 1986, to bear in mind its central responsibility for effective implementation of the International Covenant on Economic, Social and Cultural Rights, while paying due regard to the distinctive character of the Committee on Economic, Social and Cultural Rights in its capacity as a treaty body;

14. Invites the Economic and Social Council, pursuant to article 22 of the Covenant, to identify ways in which international co-operation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

15. Welcomes the preliminary report on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1989/19);

16. Invites the Special Rapporteur, when preparing a progress report on problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights, to take into account comments made in the Commission on Human Rights, and requests that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged;

17. Decides to consider issues raised by the present resolution again at its forty-seventh session under the agenda item "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/18. The right to development

The Commission on Human Rights.

Recalling the resolutions of the General Assembly and its own resolutions on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind General Assembly resolution 44/62 of 8 December 1989, by which the Assembly called upon the Commission on Human Rights to decide at its forty-sixth session on the future course of action, in particular on practical measures, for the implementation and enhancement of the Declaration,

Mindful that the Commission has entered a new phase on this matter, directed towards implementation and further enhancement of the right to development,

Aware of the need for more co-ordinated action in the implementation and further enhancement of the right to development within the United Nations system,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration,

Noting with appreciation the holding of the Global Consultation on the Realization of the Right to Development as a Human Right at Geneva, from 8 to 12 January 1990, pursuant to the request contained in its resolution 1989/45 of 6 March 1989,

1. Reiterates the importance of the right to development for all countries, in particular the developing ones;
2. Takes note with interest of the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9) prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/45;
3. Requests the Secretary-General to transmit the report on the global consultation to all Governments, United Nations organs, the General Assembly at its special session on international economic co-operation to be held in April 1990, the Ad Hoc Committee of the Whole on the Preparation of the International Development Strategy for the Fourth United Nations Development Decade, the Committee on Development Planning at its twenty-sixth session and the Administrative Committee on Co-ordination, the specialized agencies and other intergovernmental, governmental and concerned non-governmental organizations with a view to obtaining concrete comments and proposals for further international and national action aimed at strengthening the existing, or creating possible new, mechanisms for the promotion and protection of human rights, taking into account the ideas contained in chapter VI of the report and the views expressed on the issue during the debate at the forty-sixth session of the Commission, including the creation of a group of experts;

4. Reiterates the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

5. Recommends to the Economic and Social Council at its first regular session of 1990 and the General Assembly at its forty-fifth session to consider the question of the right to development, including the conclusions and recommendations of the report on the global consultation with a view to the implementation and further enhancement of the Declaration;

6. Requests the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights to continue to co-ordinate the various activities with regard to the implementation of the Declaration;

7. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session, under the agenda item "Question of the realization of the right to development", a comprehensive report containing the comments and proposals referred to above, as well as information on the measures taken and suggestions made for the continuing implementation of the Declaration on the Right to Development within the United Nations system;

8. Further requests the Secretary-General to publish the report on the global consultation as part of the World Public Information Campaign for Human Rights and to give it the widest possible circulation.

38th meeting
23 February 1990

[Adopted without a vote. See chap. VIII.]

1990/19. Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights.

Recalling General Assembly resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987, 43/138 of 8 December 1988 and 44/158 of 15 December 1989,

Recalling also its resolutions 1986/18 of 10 March 1986, 1987/25 of 10 March 1987, 1988/28 of 7 March 1988 and 1989/16 of 2 March 1989,

Recalling further the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in its resolution 260 A (III) of 9 December 1948,

Reaffirming its conviction that genocide is a crime which violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Expressing its conviction that strict observance by all States of the provisions of the Convention is necessary for the prevention and punishment of the crime of genocide,

1. Strongly condemns once again the crime of genocide;
2. Affirms the necessity of international co-operation in order to liberate humankind from this odious crime;
3. Takes note with appreciation of the fact that one hundred States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or acceded thereto;
4. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay;
5. Decides to consider the question of the status of the Convention on the Prevention and Punishment of the Crime of Genocide at its forty-eighth session under the agenda item "Status of the International Covenants on Human Rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVII.]

1990/20. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Recalling its resolution 1989/17 of 2 March 1989 and General Assembly resolution 44/129 of 15 December 1989,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/44/441),

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the co-ordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other

bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Welcomes also the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments to the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Requests the Secretary-General to consider ways and means, within existing resources, of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, the organization of regional and subregional training courses and the exploration of other possibilities available under the programme of advisory services in the field of human rights;

12. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known;

13. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-seventh session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights;

14. Decides to include in the provisional agenda of its forty-seventh session the agenda item "Status of the International Covenants on Human Rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVII.]

1990/21. Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

The Commission on Human Rights.

Considering that the effective functioning of treaty-monitoring bodies established pursuant to United Nations human rights instruments, including the consideration of periodic reports of States parties, is essential for monitoring the implementation of those instruments and for the realization of the aims and objectives enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Recalling the many resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights affirming the importance of the effective implementation of United Nations human rights instruments in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Reiterating its deep concern over the delays in submission of national reports by States parties to those instruments and in the consideration of reports by treaty bodies,

Recalling also that the meeting of persons chairing human rights treaty bodies, held at Geneva from 10 to 14 October 1988, considered it essential, in addressing those problems, to make use of the opportunities provided by computerization and recommended the appointment of a task force on computerization (see E/CN.4/1989/62, annex),

Recalling further that the General Assembly, in its resolution 43/115 of 8 December 1988, requested the Commission on Human Rights, in view of its overall responsibilities in the field of human rights, to consider at its forty-fifth session, as a matter of priority, the conclusions and recommendations of the meeting of persons chairing human rights treaty bodies, in particular those identified as matters requiring urgent action, and to report to the Assembly at its forty-fourth session, through the Economic and Social Council,

Having considered at its forty-fifth session:

(a) The importance of urgently needed measures to assist States parties to human rights instruments to fulfil their reporting obligations,

(b) The need for rationalizing the entire reporting and monitoring systems,

(c) The rapidly increasing work-load of the Centre for Human Rights in respect of treaty implementation as well as the need for the Centre to assist both the States parties and the treaty-monitoring bodies,

Recalling its resolution 1989/46 of 6 March 1989, by which it requested the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of experts, including one or more computer experts, to prepare a study on computerizing, as far as possible, the work of the treaty-monitoring bodies in relation to reporting, with a view to enhancing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies, and to report to the Commission on Human Rights at its forty-sixth session on the result of the work,

Taking note of General Assembly resolution 44/135 of 15 December 1989 by which the Assembly, inter alia, welcomed the appointment by the Secretary-General of a task force to prepare a study on computerizing, as far as possible, the work of the treaty-monitoring bodies,

Having considered the report of the Secretary-General (E/CN.4/1990/39) on the results of the study undertaken by the Task Force on Computerization,

1. Takes note with appreciation of the report of the Secretary-General;
2. Takes note of the study on computerizing the work of the human rights treaty-monitoring bodies in relation to reporting, prepared by the Task Force on Computerization (E/CN.4/1990/39, annex);
3. Suggests that the proposed system take advantage of and be complementary to the existing computer and optical disk equipment already functioning within the various sections of the United Nations Office at Geneva, particularly that provided by a generous contribution of a Member State;
4. Approves the recommendations of the Task Force contained in chapter IV of the study and concurs with its analysis of the impact of the proposed system on the work of the treaty-monitoring bodies in relation to reporting as described in chapter V of the study;
5. Recommends to States Members of the United Nations, in particular those States which are parties to United Nations human rights instruments, to make generous contributions to cover the estimated initial, one-time only, cost of the proposed system (see E/CN.4/1990/39, para. 63), and to enable the Secretary-General to implement the recommendations of the Task Force;
6. Draws the attention of the Economic and Social Council and through it the attention of the General Assembly to the study undertaken by the Task Force, in particular to chapters IV and V of the study;
7. Strongly recommends that the Economic and Social Council and the General Assembly approve the annual recurrent cost of the system (see E/CN.4/1990/39, para. 63) and authorize the inclusion of the annual recurrent cost in the programme-budget for the biennium 1992-1993 budget when the proposed system is expected to become operational;
8. Stresses that the proposed system should be introduced in a way that is compatible with longer-term plans for computerization of the United Nations Office at Geneva and as the first step in computerization of the entire human rights programme;
9. Requests the Secretary-General to report to the Commission on Human Rights at its forty-seventh session on the progress made in the implementation of the present resolution;

10. Decides to consider the report of the Secretary-General at its forty-seventh session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVIII.]

1990/22. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

The Commission on Human Rights.

Recalling General Assembly resolutions 3382 (XXX) and 3383 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 A to F of 17 December 1981, 37/39 of 3 December 1982, 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Recalling also General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Recalling further General Assembly resolution 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid régime, and resolution 3362 (S-VII) of 16 September 1975,

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983, 1984/6 of 28 February 1984, 1985/9 of 26 February 1985, 1986/5 of 28 February 1986, 1987/9 of 26 February 1987, 1988/13 of 29 February 1988 and 1989/7 of 23 February 1989,

Taking into account, in particular, the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-third ordinary session, held at Addis Ababa from 27 to 29 July 1987 (A/42/699, annex II), by the Council of Ministers of that organization at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987 (A/42/699, annex I), by the Assembly of Heads of State and Government at its twenty-fourth ordinary session, held at Addis Ababa from

25 to 28 May 1988 (A/43/398, annex II), and by the Council of Ministers at its fiftieth ordinary session, held at Addis Ababa from 17 to 22 July 1989 (A/44/603, annex I).

Taking into account all the relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this matter,

Taking note of the updated report prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1),

Reiterating its appreciation of the opinions, restated by the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations (E/CN.4/1990/35, para. 35),

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of the United Nations for the eradication of racism and apartheid, and the liberation of the people of South Africa from the racist and colonial régime,

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, and that their collaboration constitutes an obstacle to the liquidation of that racist régime and the elimination of the inhuman and criminal system of apartheid,

Concerned that the persistence of certain banking and international financial institutions in rescheduling Pretoria's international debt and the granting of new loans are hostile acts against the oppressed in South Africa and pose a major challenge to the Governments and peoples of the world committed to the speedy eradication of racist minority rule in that country,

Alarmed at the continued collaboration of Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, strategic, economic and other forms of assistance given to the racist régime of South Africa,

Welcoming the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund (AFRICA Fund) by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, and the launching of the Fund following the AFRICA Fund summit meeting, held at New Delhi on 24 and 25 January 1987,

1. Reaffirms the inalienable right of the oppressed people of South Africa to self-determination, independence and enjoyment of the natural resources of their territories;

2. Again reaffirms the right of the people of South Africa to dispose of those resources for their greater well-being and to obtain just reparation for the exploitation, depletion, loss or depreciation of those natural resources, including reparation for the exploitation and abuse of their human resources;

3. Vigorously condemns the assistance rendered by the major Western States and Israel to South Africa in the political, economic, financial and particularly the military field, expresses its conviction that this assistance constitutes a hostile action against the people of South Africa and the neighbouring States, since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

4. Condemns the continuing nuclear collaboration of Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enable it to develop a nuclear weapon capability that threatens peace and international security and obstructs efforts to eliminate apartheid;

5. Notes with appreciation the important measures taken by the Nordic and some Western States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on the racist régime of South Africa, and calls upon them to redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on South Africa;

6. Takes note with satisfaction of the disinvestment, trade restrictions and other positive measures taken by some countries and transnational corporations, and urges them to continue in this direction;

7. Notes with dissatisfaction and concern that certain States are taking advantage of the disinvestment measures and trade restrictions imposed by some States in South Africa to increase their own trade relations with that régime;

8. Once again calls upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction and control that own and operate enterprises in South Africa with a view to putting a stop to their trading, manufacturing and investing activities in South Africa;

9. Once again calls upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and in particular to cease all collaboration with South Africa in the nuclear field;

10. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

11. Welcomes the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist, colonial régime of South Africa, in particular:

(a) The prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa,

(b) The cessation of all collaboration with South Africa in the nuclear field,

(c) The prohibition of all loans to, and all investment in, South Africa and the cessation of any trade with South Africa,

(d) An embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa,

12. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of neighbouring States;

13. Appeals to all States, specialized agencies, regional, intergovernmental and non-governmental organizations to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

14. Welcomes the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund, and appeals to the international community to contribute to the Fund;

15. Urgently requests all specialized agencies, particularly the International Monetary Fund, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

16. Calls upon States, the specialized agencies and regional, intergovernmental and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime;

17. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial régime of South Africa and decides to renew his mandate for a further two years;

18. Reaffirms that the updating of the report of the Special Rapporteur is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa;

19. Invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as he may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report, through the Economic and Social Council, to the General Assembly at its forty-fifth session,

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies and other intergovernmental and non-governmental organizations, as well as other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa,

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations, the Centre against Apartheid of the Secretariat and the United Nations Council for Namibia, with a view to consolidating mutual co-operation in updating the report,

20. Invites the Secretary-General to give the updated report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

21. Calls upon all Governments to co-operate with the Special Rapporteur in making the report even more accurate and informative;

22. Decides to consider the question at its forty-seventh session under the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa".

42nd meeting
27 February 1990

[Adopted by a roll-call vote of 31 to 8, with
4 abstentions. See chap. VI.]

1990/23. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

The Commission on Human Rights,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

42nd meeting
27 February 1990

[Adopted by a roll-call vote of 32 to 8, with
3 abstentions. See chap. VI.]

1990/24. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt, and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1989/20 and 1989/21 of 31 August 1989,

Reaffirming the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on Social Progress and Development as well as the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Welcoming the general comment on article 22 of the relevant Covenant adopted by the Committee on Economic, Social and Cultural Rights at its fourth session (see E/1990/23, annex III),

Welcoming also the preliminary report on the realization of economic, social and cultural rights, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk (E/CN.4/Sub.2/1989/19),

Noting with interest the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation adopted by the General Assembly in its resolution 44/24 of 17 November 1989,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Noting with appreciation the conclusions of the United Nations Children's Fund study Adjustment with a Human Face and reports The State of the World's Children 1989 and 1990,

Noting with interest the conclusions of the World Bank in World Debt Tables 1989/90, (volume 1), relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and living standards in many developing countries,

Observing the beginning of new orientations in economic adjustment programmes which take into account economic growth and problems affecting the welfare of the population, and the positive response on the part of international financial agencies,

Considering that the new strategies for solving the debt problem require policies of economic adjustment accompanied by growth and that it is necessary, within those policies, to monitor social conditions, including standards of living, health, education and employment of the population, especially among low-income groups,

Also recalling its resolution 1989/15 of 2 March 1989,

1. Expresses its appreciation of the preliminary report on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk;

2. Invites the Sub-Commission to submit the second report of its Special Rapporteur on the implementation of economic, social and cultural rights to the Commission on Human Rights at its forty-seventh session;

3. Invites Governments which so desire to provide the Special Rapporteur with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights;

4. Requests the Special Rapporteur to take into account, in his second report, the comments and views of Governments on the subject;

5. Decides to continue to consider, at its forty-seventh session, the sub-item "Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration of the Right to Development".

42nd meeting
27 February 1990

[Adopted by 36 votes to 2, with 5 abstentions. See chap. VII.]

1990/25. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 44/135 of 15 December 1989, Economic and Social Council resolution 1989/142 of 24 May 1989 and Commission on Human Rights resolutions 1989/46 and 1989/47 of 6 March 1989, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing further concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Aware that the General Assembly, in its resolution 44/135 of 15 December 1989, reaffirmed its responsibility to ensure the proper functioning of the said treaty bodies and, in this connection, reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments,

(b) Addressing the question of securing sufficient financial resources, which is increasingly hampering the proper functioning of human rights treaty bodies, as noted with concern in reports of five such bodies, and of providing sufficient resources to ensure the effective functioning of the respective treaty bodies,

(c) Addressing problems of both reporting obligations and financial implications when considering the possibility of establishing any additional human rights instruments,

Recalling the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, (see E/CN.4/1989/62, annex) and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 44/135 and the Commission on Human Rights in its resolution 1989/47,

Taking note with appreciation of the study on possible long-term approach to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments prepared by the independent expert pursuant to Commission on Human Rights resolution 1989/47 (A/44/668, annex),

1. Endorses the continuing efforts aimed at streamlining, rationalizing and otherwise improving reporting procedures by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Welcomes the conclusions and recommendations with regard to the better functioning of the treaty bodies in the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments;

3. Invites the treaty bodies to review the study on possible long-term approaches, to consider which conclusions and recommendations are of relevance to their respective spheres of competence and to send their comments to the Secretary-General;

4. Requests the Secretary-General to report on the comments of the treaty bodies to the Commission on Human Rights at its forty-seventh session;

5. Urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

6. Also urges all States parties to meet without delay all their financial obligations pursuant to United Nations human rights instruments;

7. Invites meetings of States parties to consider ways and means of strengthening the collection of contributions and of making procedures more effective and, if necessary, to reconsider the position of States parties that are substantially in default on their assessed contributions;

8. Notes that the General Assembly, in so far as any of the treaty bodies may be experiencing financial difficulties, could consider alleviating these difficulties, inter alia, by the temporary allocation of necessary funds by way of advances out of the United Nations regular budget which would be reimbursed from the contributions received within the same budget year, a procedure to be repeated until such time as a permanent solution to such difficulties can be implemented;

9. Emphasizes that any temporary financial assistance from the United Nations regular budget should be provided without prejudice to the duty of States parties to United Nations instruments on human rights to meet all their financial obligations pursuant to such instruments;

10. Recommends that the Secretary-General seek to obtain, at the earliest opportunity, the concurrence of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to the establishment of a "contingency reserve fund" made up of that portion of State party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year - normally credited against the contribution of State parties - provided that the agreement of a State party must first be obtained before its own over-assessment is paid into this fund, with the fund to be used to finance, on a contingency basis, up to two meetings of the Committee on the Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed in full once payments by these States are received;

11. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

12. Requests the Secretary-General to convene the forthcoming meeting of persons chairing human rights treaty bodies sufficiently in advance of the forty-fifth session of the General Assembly to enable consideration of the conclusions and recommendations of the meeting at that session;

13. Invites the meeting of persons chairing human rights treaty bodies to discuss the range of problems affecting the effective implementation of human rights treaties;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to submit a report on the situation and developments regarding the logistical and human resources support for the increasing activities in the field of human rights of the Centre for Human Rights, in particular on the servicing needs of the human rights treaty bodies, the provisions for servicing included in the United Nations budget and the implementation of these provisions, to the Economic and Social Council at its first regular session of 1990;

16. Decides to consider the question on a priority basis at its forty-seventh session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
27 February 1990

[Adopted without a vote. See chap. XVIII.]

1990/26. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1986/4 of 28 February 1986, 1987/14 of 3 March 1987, 1988/9 of 29 February 1988 and 1989/5 of 23 February 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 40/64 A to I of 10 December 1985 as well as Economic and Social Council resolution 1984/42 of 24 May 1984,

Recalling also General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid.

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7),

Recognizing the value of the reports of the Ad Hoc Working Group of Experts in the efforts of the United Nations to expose and combat apartheid and gross violations of human rights in South Africa,

Recalling the concerns repeatedly expressed about abductions and assassinations carried out by the South African régime against political refugees and members of the liberation movements,

Having examined the statement made by Mr. F.W. De Klerk of 2 February 1990 in which, inter alia, he rescinded the ban on the African National Congress of South Africa, the Pan-Africanist Congress of Azania and other political organizations,

Noting that gross and cruel violations of human rights under apartheid continue to take place in South Africa,

Outraged by South Africa's acts of violence in the townships and its continued intransigence in revoking the abominable apartheid laws and in refusing to reinstate the human rights of political prisoners by freeing them unconditionally,

Deeply concerned about racist South Africa's undeclared war of destabilization and aggression, whether through direct aggression, sponsorship of surrogates, economic subversion or other means, against the neighbouring independent States, which is unacceptable in all its forms and must stop,

Reiterating its conviction that the apartheid system in South Africa is the root cause of conflict in the sub-continent and that this atrocious policy constitutes a threat to international peace and security,

Noting that the South African people's legitimate struggle, by all means in accordance with the Charter of the United Nations and relevant United Nations resolutions, for a united, non-racial and democratic society should enjoy the full support of the international community,

Convinced that the maintenance of existing pressures, including sanctions against South Africa, constitutes a peaceful means that can help to avert the outbreak of racial conflagration in the region,

Satisfied with the success scored by the oppressed people of South Africa in their united mass action to make the apartheid system unworkable,

Appreciating the world-wide momentum against apartheid and the consensus in favour of international pressures, including sanctions against racist South Africa,

Appreciating the perseverance and steadfastness of the front-line States and their continuing supporting role to the liberation movements,

Taking note with satisfaction of the Declaration on Apartheid and its Destructive Consequences in southern Africa adopted on 14 December 1989 by the General Assembly at its sixteenth special session (resolution S-16/1),

1. Congratulates the Ad Hoc Working Group of Experts on southern Africa on the commendable and impartial manner in which it has prepared its interim report;

2. Expresses its profound indignation at the fact that apartheid remains institutionalized;

3. Denounces again the policy of "bantustanization", the forced removals of the black population, the policy of so-called "voluntary" removals and the policy of denationalization;

4. Reiterates the conviction that apartheid cannot be reformed but should be abolished in all its forms, and hence reaffirms its rejection of the so-called constitutional initiative, including the statutory advisory council, which falls short of accepting the "one man, one vote" principle in a united, non-racial and democratic South Africa;

5. Demands that South Africa immediately and completely abolish the unjust and inhuman system of apartheid in all its forms;

6. Demands the complete removal of the state of emergency and an end to human rights violations which have been rampant since the state of emergency was imposed in 1986;

7. Welcomes the release of Nelson Mandela, demands the immediate and unconditional release of all political prisoners as well as detainees, and calls on the South African régime to refrain from imposing any restrictions on them;

8. Calls upon South Africa to permit a free and fair political climate and to desist from harassment and intimidation of organizations and individuals engaged in the legitimate struggle against apartheid policies;

9. Demands a complete elimination of the apartheid judicial and penal system, the removal of troops from the townships and the dismantling of bantustans;

10. Further demands the unconditional return of political refugees and members of the liberation movements based outside South Africa and their unimpeded participation in political activities;

11. Strongly condemns South Africa for its indiscriminate use of force against unarmed demonstrators and its widespread use of torture and other forms of inhuman and degrading treatment against political opponents;

12. Calls upon South Africa to respect international standards on trade union rights in respect of black trade unions and particularly to desist from harassing, intimidating, arresting and maltreating black trade union leaders;

13. Commends all movements and mass organizations of South Africa for their resistance and united action to make the apartheid system unworkable;

14. Demands that South Africa take immediate steps to rescind restrictions on all educational organizations and to ensure that all South Africans are afforded the opportunity of access to a unified educational system designed to be consistent with the development of a profound appreciation of the brotherhood of mankind, liberty and peace;

15. Condemns South Africa for its military pressures and other acts of aggression towards the front-line States and for its support, encouragement and provision of material resources to armed bands and mercenaries who seek to destabilize front-line and neighbouring States;

16. Commends the front-line and other neighbouring States for their unending sacrifice to the cause of freedom and human dignity in South Africa and calls upon the international community to increase its financial, material, political and moral support to the national liberation movements of South Africa and also to the front-line States to enhance their capability of exerting more pressure on the South African régime to ensure the immediate end of apartheid;

17. Calls upon the international community to render all possible assistance to the front-line States to enable them to rebuild their economies which have been adversely affected by South Africa's acts of aggression and destabilization, to withstand any further acts of aggression and destabilization and to encourage and support peace initiatives in the region;

18. Urges all States to continue to do everything in their power to increase support for the legitimate struggle of the South African people for freedom and equality;

19. Calls upon the Security Council to impose mandatory sanctions against the South African régime, in discharge of its responsibility under Chapter VII of the Charter of the United Nations, in order to sustain the momentum for peaceful change to end apartheid in South Africa;

20. Takes note of the statement made by Mr. F.W. De Klerk on 2 February 1990 and considers the release of Nelson Mandela and the partial lifting of the ban on the national liberation movements and on some mass

democratic organizations as constituting a significant step towards the elimination of apartheid and the establishment of a non-racial and democratic society in South Africa;

21. Urges the international community not to relax existing measures aimed at compelling the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible change and commends the following measures, which have been adopted by certain countries and are commended to the wider international community, for urgent adoption and implementation:

- (a) Mandatory arms embargo,
- (b) Prohibition of the transfer of technology to South Africa,
- (c) Cessation of the export, sale or transport of oil and oil products to South Africa and of any co-operation with South Africa's oil industry,
- (d) Cessation of further investments in, and financial loans to, South Africa and of any governmental insurance guarantee of credits to the racist régime,
- (e) Cessation of all promotion of or support for trade with South Africa, including governmental assistance to trade missions,
- (f) Prohibition of the sale of krugerrands and any other coins minted in South Africa,
- (g) Prohibition of imports from South Africa of agricultural products, coal, uranium, iron and steel,
- (h) Termination of any visa-free entry privileges and of the promotion of tourism to South Africa,
- (i) Termination of air and shipping links with South Africa,
- (j) Cessation of all academic, cultural, scientific and sports relations with South Africa and of relations with individuals, institutions and other bodies endorsing or based on apartheid,
- (k) Suspension or abrogation of agreements with South Africa, such as agreements on cultural and scientific co-operation,
- (l) Termination of double taxation agreements with South Africa,
- (m) Ban on government contracts with majority-owned South African companies.

22. Strongly recommends to the General Assembly through the Economic and Social Council, in order to sensitize fully international public opinion, particularly that of youth, to the realities of apartheid, that a year be declared "Academic Year against Apartheid" and that the subject "The evils of apartheid" be taught in educational institutions throughout the world;

23. Recalls the adoption by the General Assembly in its resolution 40/64 G of 10 December 1985 of the International Convention against Apartheid in Sports;

24. Endorses the recommendations of the Ad hoc Working Group of Experts on southern Africa in its interim report (E/CN.4/1990/7, para. 281);

25. Decides that the Ad Hoc Working Group of Experts should continue to investigate and study the policies and practices which violate human rights in South Africa as well as infringements of trade union rights in South Africa, in accordance with Economic and Social Council resolution 1987/63 of 29 May 1987;

26. Requests the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to continue to investigate cases of torture and ill-treatment of detainees and deaths of detainees in South Africa;

27. Renews its request to the régime of South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in prisons in South Africa and the treatment of prisoners in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free, confidential access to any prisoner, detainee, ex-prisoner, ex-detainee or any other persons,

(b) The South African régime would provide a firm undertaking that any person providing evidence for such an investigation would be granted immunity from any State action arising from participation in the investigation,

28. Requests the Ad Hoc Working Group of Experts to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, particularly serious violations of human rights in South Africa, which may come to its attention during its studies;

29. Authorizes the Chairman of the Ad Hoc Working Group of Experts, within existing resources, to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid;

30. Requests the Ad Hoc Working Group of Experts to submit its final report to the Commission on Human Rights at its forty-seventh session and to the General Assembly at its forty-sixth session;

31. Invites the Chairman of the Commission on Human Rights to do his utmost to play a more active role in supporting initiatives for promoting a negotiated solution to the South African problem;

32. Reiterates its earlier invitation to the Special Committee against Apartheid to strengthen co-operation with the Ad Hoc Working Group of Experts, in particular to transmit regularly all information that may assist the Group in carrying out its mandate;

33. Requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

34. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

42nd meeting
27 February 1990

[Adopted by a roll-call vote of 35 to 2,
with 6 abstentions. See chap. V.]

1990/27. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting General Assembly resolution 44/131 of 15 December 1989, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-fifth session,

Noting also Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/23 of 31 August 1989.

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain.

Conscious of the importance of education in ensuring tolerance of religion and belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing also that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

Recalling its resolutions 1988/55 of 8 March 1988 and 1989/44 of 6 March 1989, in which it requested the Sub-Commission to prepare a working paper comprising a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief and to examine the issues and factors to be considered before any drafting of a further binding international instrument on freedom of religion takes place, and to report thereon to the Commission at its forty-sixth session,

Taking note with appreciation of the working paper prepared in response to the Commission's request by Mr. Theo van Boven, member of the Sub-Commission (E/CN.4/Sub.2/1989/32),

Recalling its decision in resolution 1988/55 to extend for two years the mandate of the Special Rapporteur of the Commission appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate,

Having carefully examined the report of the Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1990/46),

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world, as outlined in the aforementioned report of the Special Rapporteur,

Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and of discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the forty-sixth session of the Commission;



3. Urges States, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Also urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine, where necessary, the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

7. Invites, therefore, the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by the United Nations information centres as well as by other interested bodies;

8. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including at the Second International Conference on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, held in Warsaw from 14 to 18 May 1989;

9. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the dissemination of the Declaration in national and local languages;

10. Welcomes with appreciation the working paper prepared by Mr. Theo van Boven, member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which contains a compilation of

provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument;

11. Decides to extend for a further two years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate;

12. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report and to carry out his work with discretion and independence;

13. Calls upon Governments which have not done so to co-operate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments, and, in this connection, calls especially for the co-operation of the Governments whose failure to respond has been noted in successive reports of the Special Rapporteur;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-seventh session;

15. Requests also the Secretary-General to report to the Commission at its forty-seventh session on measures to implement the present resolution;

16. Decides to continue its consideration of the question at its forty-seventh session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

48th meeting
2 March 1990

[Adopted without a vote. See chap. XXIII.]

1990/28. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights.

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, by which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1989/29 of 6 March 1989 and General Assembly resolution 44/145 of 15 December 1989,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming the adoption by the General Assembly, in its resolution 43/173 of 9 December 1988, of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its decision, in resolution 1985/33 of 13 March 1985, to appoint a Special Rapporteur to examine questions relevant to torture, and its subsequent decisions to continue his mandate,

1. Welcomes the second report of the Committee against Torture (A/44/46);

2. Takes note of the report of the Secretary-General (E/CN.4/1990/15) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and appeals to all States parties not to take any measures which might impair the financing

of all the functions of the Committee under the Convention, so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

4. Also stresses the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the Secretary-General's draft guidelines on reporting and the activities of the Human Rights Committee, as well as of the other treaty bodies established under the relevant international instruments in the field of human rights;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

6. Reiterates its request to all States to become parties to the Convention as a matter of priority;

7. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention;

8. Requests the Secretary-General to continue submitting to the General Assembly and to the Commission on Human Rights annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

9. Decides to consider the report of the Secretary-General at its forty-seventh session under the agenda sub-item "Torture and other cruel, inhuman or degrading treatment or punishment".

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/29. United Nations Voluntary Fund for Victims of Torture

The Commission on Human Rights.

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in

a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and General Assembly resolution 44/145 of 15 December 1989,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1989/30 of 6 March 1989,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/44/708),

Noting the statement of the Board of Trustees of the Fund concerning the desirability of receiving contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes that the Fund has been instrumental in bringing into existence,

Noting with satisfaction that international centres for rehabilitation of torture victims have been established and play an important role in providing assistance to victims of torture,

Noting, in this regard, the collaboration of the Fund with the international centres for rehabilitation,

1. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has carried out;

2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

4. Renews its request to the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund;

5. Again requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known;

6. Further requests the Secretary-General to keep the Commission informed of the operations of the Fund on an annual basis.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/30. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Convinced of the need to continue the implementation of the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances,

Recalling its resolution 20 (XXXVI) of 29 February 1980, by which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1986/55 of 13 March 1986, 1987/27 of 10 March 1987, 1988/34 of 8 March 1988 and 1989/27 of 6 March 1989,

Recalling also its decision 1986/106 of 13 March 1986, by which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider the question of a declaration against unacknowledged detention of persons,

Recalling further General Assembly resolutions 42/142 of 7 December 1987 and 43/159 of 8 December 1988, in which the Assembly welcomed the decision of the Commission on Human Rights to extend for two years, on an experimental basis, the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, while maintaining the principle of annual reporting by the Working Group,

Concerned by the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Profoundly concerned at the fact that the practice of enforced or involuntary disappearances continues in various regions of the world,

Having considered the report of the Working Group (E/CN.4/1990/13),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it has done its work, and thanks the Working Group for submitting to the Commission at its forty-sixth session a report in accordance with its resolution 1989/27;

2. Takes note of the report of the Working Group and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;

3. Decides to extend for two years the term of the mandate of the Working Group as defined in Commission resolution 20 (XXXVI) so as to enable the Working Group to take into consideration all the information that may be transmitted to it concerning the cases brought to its attention, while maintaining the principle of annual reporting by the Group;

4. Requests the Working Group to report on its work to the Commission at its forty-seventh session and reminds the Working Group of the obligation to discharge its mandate in a discreet and conscientious manner;

5. Also requests the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its task;

6. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their evaluation, the transmittal to Governments of all communications received and the consideration of Government replies;

7. Expresses its appreciation to the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the progress made in 1989 in preparing the first draft of a declaration on the protection of all persons from enforced or involuntary disappearance and invites the Sub-Commission to finalize the draft as soon as possible with a view to submitting it to the Commission;

8. Notes with concern that, as the Working Group on Enforced or Involuntary Disappearances points out in its report, some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their country;

9. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced or involuntary disappearance has occurred in a territory under their jurisdiction;

10. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to co-operate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to answer expeditiously requests for information addressed to them by the Working Group;

11. Also urges the Governments concerned to intensify their co-operation with the Working Group in regard to any measure taken in pursuance of recommendations addressed to them by the Group;

12. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject;

13. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their country, so as to enable the Group to fulfil its mandate even more effectively;

14. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances;

15. Expresses its profound thanks to the Governments which have co-operated with the Working Group and responded to its requests for information;

16. Also expresses its profound thanks to the Governments which have invited the Working Group, and asks them to give all necessary attention to its recommendations;

17. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it;

18. Decides to consider the question at its forty-seventh session under the agenda sub-item "Question of enforced or involuntary disappearances".

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/31. Staff members of the United Nations and
the specialized agencies in detention

The Commission on Human Rights.

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988 and 44/186 of 19 December 1989, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1989/28 of 6 March 1989, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and experts and their families were fully respected, and to submit to the Commission at its forty-sixth session an updated version of the report submitted to it at its forty-fifth session on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Taking note with appreciation of the preliminary report on the protection of human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1989/28), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session by one of its members,

Welcoming the decision of the Sub-Commission to invite one of its members to continue her study so as to submit an updated version of the aforesaid report, at its forty-second session,

Considering that at a time when the United Nations is being called upon to undertake greater responsibilities in various parts of the world, it is imperative that its staff members be able to perform their duties with the assurances that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be held captive or are otherwise unaccounted for,

Noting the need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. Appeals again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families;
2. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of the United Nations staff members, experts and their families are fully respected;
3. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;
4. Also urges Member States to allow medical teams to investigate cases in which the health of staff members and experts and their families who are being detained is reported to have suffered and to permit the necessary medical treatment to be made available;
5. Calls upon Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;
6. Requests the Secretary-General to submit to the Commission at its forty-seventh session an updated version of the report presented to the forty-fifth session on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the presentation of the last report, as well as on the implementation of the measures referred to in paragraphs 3 and 4 of the present resolution.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

The Commission on Human Rights.

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989 and 1989/56 of 7 March 1989,

Having examined the working paper on the right to freedom of opinion and expression (E/CN.4/Sub.2/1989/26) prepared by Mr. Danilo Türk in accordance with Sub-Commission decision 1988/110 of 1 September 1988,

Noting the views expressed by Mr. Türk in his working paper, including those on the intrinsic link between the right to freedom of opinion and expression and those rights contained in articles 18, 21, 22 and 25 of the International Covenant on Civil and Political Rights, namely the rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs,

Noting also the importance and relevance to the protection of the right to freedom of opinion and expression of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the progress achieved to that end at the current session of the Commission by the Working Group on the subject,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

1. Expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
2. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who seek to promote and defend these rights and freedoms;
4. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard in all parts of the world;
5. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs; or who seek to promote and defend these rights and freedoms and, where any persons have been detained solely for exercising these rights as laid down in the International Covenant on Civil and Political Rights, to release them immediately;
6. Appeals also to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, or harassed;
7. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/14 of 31 August 1989, in which the Sub-Commission decided to entrust Mr. Louis Joinet and Mr. Danilo Türk, members of the Sub-Commission, with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;
8. Requests the Secretary-General to provide the two Special Rapporteurs with all necessary assistance;
9. Decides to review the question at its forty-seventh session on the basis, inter alia, of a preliminary report on their study prepared by the Special Rapporteurs for the Sub-Commission at its forty-second session and of any decisions adopted by the Sub-Commission in this regard;

10. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

48th meeting

2 March 1990

[Adopted without a vote. See chap. X.]

1990/33. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by the principles embodied in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Recalling the adoption by the Economic and Social Council in its resolution 1989/60 of 24 May 1989 of the Procedures for Effective Implementation of the Basic Principles on the Independence of the Judiciary,

Recalling also its own resolution 1989/32 of 6 March 1989 in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider effective means to monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers,

Convinced that an independent and impartial judiciary is an essential prerequisite for ensuring that human rights are protected and that there shall be no discrimination in the administration of justice,

Aware that adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession,

Disturbed at the continued harassment and persecution of judges and lawyers in many countries,

1. Calls upon Governments to respect the independence of the judiciary and ensure the protection of practising lawyers, prosecutors and judges against undue restrictions and pressures in the exercise of their functions;

2. Welcomes the close co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs on matters relating to human rights in the administration of justice, in accordance with Commission resolutions 1987/33 of 10 March 1987, 1988/33 of 8 March 1988 and 1989/24 of 6 March 1989;

3. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/22 of 31 August 1989, in which it invited Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers;
4. Requests the Sub-Commission to study the working paper with a view to recommending to the Commission any initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers;
5. Notes with satisfaction that the Committee on Crime Prevention and Control has taken into account the draft declaration prepared by the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers in completing its elaboration of the draft basic principles on the role of lawyers, as requested by the Commission in its resolution 1989/32;
6. Recommends that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in 1990, consider as a matter of priority the draft basic principles on the role of lawyers elaborated by the Committee on Crime Prevention and Control, with a view to their adoption;
7. Decides to consider the question of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers at its forty-seventh session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/34. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Taking note with satisfaction of the establishment of the Committee provided for in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which began its work on 13 November 1989,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, by which it decided to appoint for one year a Special Rapporteur to examine questions relevant to torture, and its resolutions 1986/50 of 13 March 1986 and 1987/29 of 10 March 1987, by which that mandate was extended annually,

Recalling also its resolution 1988/32 of 8 March 1988, by which it decided to extend the mandate of the Special Rapporteur for two years, while maintaining the annual reporting cycle,

Noting that, on 18 April 1989, the Special Rapporteur had an exchange of views with the Committee against Torture established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture or punishment adopted by the General Assembly in its resolution 37/194 of 18 December 1982

and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in Commission resolutions 1987/29 and 1988/32, as well as 1989/33 of 6 March 1989,

1. Commends the Special Rapporteur on his report (E/CN.4/1990/17 and Add.1);
2. Stresses once again the previous conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention (E/CN.4/1987/13, sect. VII);
3. Welcomes the intention of the Special Rapporteur to keep himself informed of the work of and, as necessary, to seek contacts with the Committee established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in the belief that the work of this Committee will make it possible to gain useful experience which may make it easier to determine whether such a system of periodic visits can also be envisaged in other regions or on a world-wide scale;
4. Stresses again the conclusions of the Special Rapporteur emphasizing the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention;
5. Also stresses the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that a person shall be given prompt access to a legal counsel after he has been arrested and making it obligatory promptly to inform the relatives of an arrested person of both the arrest and the place where the detainee is being held;
6. Further stresses the recommendation of the Special Rapporteur aiming at the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention;
7. Takes note of the recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres and that each interrogation should be recorded and start with the identification of all the persons present;

8. Stresses the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

9. Endorses the recommendation of the Special Rapporteur that whenever found to be responsible for acts of torture or severe maltreatment, a person should be brought to trial and, if found guilty, severely punished;

10. Recalls that it is desirable for Governments and medical associations to take strong action against all persons belonging to the medical profession who have in that capacity had a function in the practice of torture;

11. Calls upon all States to sign and to accede to or ratify as soon as possible the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. Emphasizes the importance of training programmes for law and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. Decides to extend the mandate of the Special Rapporteur for a further two years, while maintaining the annual reporting cycle, in order to enable him to submit further conclusions and recommendations to the Commission;

14. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, as well as from specialized agencies, intergovernmental organizations and non-governmental organizations;

15. Considers it desirable that the Special Rapporteur should continue to have periodic consultations with the Committee against Torture, in particular with a view to establishing the procedures for co-operation and avoiding any overlapping in the activities of the United Nations in combating torture;

16. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

17. Appeals to all Governments to co-operate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested;

18. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their country so as to enable him to fulfil his mandate even more effectively;

19. Expresses its thanks to the Governments which have invited the Special Rapporteur and requests them to give due consideration to his recommendations;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to submit his report to the Commission at its forty-seventh session.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/35. Compensation for victims of gross violations of human rights

The Commission on Human Rights.

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989,

Deeply concerned over the substantial damages and acute sufferings caused to individuals, groups, communities and peoples as a result of gross violations of human rights and fundamental freedoms,

Recalling the United Nations standards for compensation so far adopted, in particular article 8 of the Universal Declaration of Human Rights, article 14, paragraph 6 of the International Covenant on Civil and Political Rights, article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and articles 8 to 21 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34), as well as relevant provisions of regional human rights instruments,

Considering the importance of further developing international standards and of filling remaining gaps in order to ensure that victims of gross violations of human rights and fundamental freedoms have an enforceable right to restitution, compensation and rehabilitation, as appropriate, fully recognized at the international level.

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/36. Hostage-taking

The Commission on Human Rights,

Recalling its resolution 27 (XXXVII) of 11 March 1981, in which it affirmed that the taking of hostages constituted a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health,

Recalling its resolutions 1986/49 of 12 March 1986, 1987/28 of 10 March 1987, 1988/38 of 8 March 1988 and 1989/26 of 6 March 1989, in which it condemned the taking of any person hostage,

Bearing in mind, inter alia, Security Council resolutions 579 (1985) of 18 December 1985, 618 (1988) of 29 July 1988 and 638 (1989) of 31 July 1989 on hostage-taking, as well as the statement made by the President of the Security Council on 28 January 1987 (S/18641), again condemning all cases of hostage-taking,

Bearing in mind also the international instruments relating to human rights and other relevant international instruments,

Considering that everyone has the right to life, liberty and security, and that hostage-taking is a serious violation of fundamental rights and of the dignity of the human being,

Considering that arbitrary detention of persons is an unquestionable violation of human rights,

Alarmed by the number of cases of hostage-taking throughout the world, some of which have been going on for a long time, and by the odious practice they constitute,

Expressing its distress at these unacceptable displays of violence towards innocent victims and at the anxiety and suffering of the families concerned,

1. Strongly condemns the taking of any person hostage, whoever is responsible and whatever the circumstances, whether or not the hostage is chosen at random and whatever his nationality;
2. Censures the actions of all persons responsible for taking hostages, whatever their motives, and demands that they should immediately release those they are holding;
3. Appeals for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected in all circumstances;

4. Calls upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory;

5. Requests the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage;

6. Decides to remain seized of the question at its forty-seventh session.

52nd meeting

6 March 1990

[Adopted without a vote. See chap. X.]

1990/37. Use of force by law enforcement officials

The Commission on Human Rights,

Gravely disturbed by repeated incidences of excessive use of force by law enforcement officials in different parts of the world,

Sharing the views expressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in resolution 1989/33 of 1 September 1989,

1. Calls upon all Governments:

(a) To take into account and respect, within the framework of their national rules and regulations and practice, United Nations standards on the use of force by law enforcement officials and to ensure full implementation of these standards;

(b) To ensure that such international standards and the relevant national rules and regulations be made known and available in the languages of the country to practising lawyers, judges, prosecutors and the general public;

(c) To include information on such international standards and national rules and regulations in the education and training programmes for law enforcement officials, and to enhance respect for those standards;

2. Requests the Secretary-General to help organize workshops and other meetings on issues relevant to the Code of Conduct of Law Enforcement Officials, including the provision of technical services in this area.

52nd meeting

6 March 1990

[Adopted without a vote. See chap. X.]

1990/38. Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

The Commission on Human Rights.

Recalling its resolution 10 A (XXXIII) of 11 March 1977, by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of the protection of persons detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 1989/40 of 6 March 1989,

Taking note of Economic and Social Council resolution 1989/76 of 24 May 1989, by which the Council authorized an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission with a view to submitting it to the Commission at its forty-sixth session,

Noting with appreciation the comments submitted to the Secretary-General on the draft body of principles and guarantees by Governments, specialized agencies, in particular the World Health Organization, and non-governmental organizations (E/CN.4/1990/53 and Add.1-4), and their participation in the open-ended Working Group on the Question of the Draft Body of Principles and Guarantees for the Protection of Mentally-Ill Persons and for the Improvement of Mental Health Care,

Noting with satisfaction the progress made by the Working Group during its meeting prior to the forty-sixth session of the Commission,

Noting also the view of the Working Group that there is a reasonable expectation that its task could be completed within an acceptable time-scale if it were authorized to meet for a further session of two weeks before the forty-seventh session of the Commission and were then mandated to pursue its work in the same manner as before,

1. Takes note of the report of the Working Group on the Question of the Draft Body of Principles and Guarantees for the Protection of Mentally-Ill Persons and for the Improvement of Mental Health Care (E/CN.4/1990/31);

2. Decides to make available, prior to the forty-seventh session of the Commission, appropriate meeting time for the Working Group;

3. Invites the Working Group to pursue its work at that meeting in the same manner as before;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV].

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/39. Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its resolutions 1983/41 of 9 March 1983, 1984/27 of 12 March 1984, 1986/9 of 10 March 1986 and, in particular, 1988/59 of 9 March 1988,

Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Recognizing the need to extend the benefits of science and technological developments to the developing countries,

Recognizing that the effects of scientific and technological developments on human rights and fundamental freedoms have both beneficial and harmful aspects and therefore must be examined in their totality,

Expressing its conviction that it would be useful to undertake a study on the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms,

Taking into account the note by the Secretary-General (E/CN.4/1990/29), which informs that the completion of the study undertaken pursuant to Commission resolution 1988/59 has been delayed,

Invites the United Nations University, in co-operation with other interested academic research institutions, to submit to the Commission on Human Rights at its forty-seventh session a final report of its study on the positive and negative impacts of scientific and technological developments on human rights and fundamental freedoms, in accordance with Commission resolution 1988/59.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/40. Human rights and scientific and technological developments.

The Commission on Human Rights.

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Declaration on Social Progress and Development,

Conscious that it is only the creative genius of humankind that makes progress and the development of civilization possible in a peaceful environment, and that human life must be recognized as supreme,

Recalling the fundamental importance of the right to life,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of the developing countries,

Recalling its relevant resolutions,

1. Calls upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress;

2. Recalls the historic responsibility of the Governments of all countries of the world to preserve civilization and to ensure that everyone enjoys his or her inherent right to life, and calls upon them to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international levels;

3. Calls upon all States, appropriate United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress and the material and intellectual potential of humankind are used for the benefit of humankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;

4. Decides to include in the provisional agenda of its forty-eighth session the item "Human rights and scientific and technological developments".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/41. Human rights and the environment

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Aware that increasing environmental degradation caused by the negative influence of scientific and technological development has led in some cases to irreversible changes in the environment, which threaten life-sustaining ecosystems and undermine health, well-being, development prospects and the very survival of life on the planet,

Convinced that the preservation of life-sustaining ecosystems under conditions of rapid scientific and technological development is of vital importance for the protection of the human species and the promotion of human rights,

Noting that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions,

Also noting that the States parties to the International Covenant on Economic, Social and Cultural Rights recognized the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and agreed, for that purpose, to take the steps necessary for the improvement of all aspects of environmental and industrial health,

Recalling General Assembly resolution 44/228 of 22 December 1989 on a United Nations Conference on Environment and Development, to be held in Brazil in 1992,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1989/108 of 31 August 1989,

1. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to have a note prepared for its forty-second session on methods by which a study on the problems of the environment and its relation to human rights could be made;

2. Requests the Secretary-General to transmit the present resolution to the Preparatory Committee of the United Nations Conference on Environment and Development, and to keep the Committee duly informed of the work in this field.

52nd meeting
6 March 1990

[Adopted by 40 votes to none, with
2 abstentions. See chap. XIV.]

1990/42. Guidelines on the use of computerized personal files

The Commission on Human Rights,

Bearing in mind General Assembly resolution 44/132 of 15 December 1989,

Having considered the revised version of the guidelines for the regulation of computerized personal data files prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet (E/CN.4/1990/72),

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/43. Movement and dumping of toxic and dangerous products and waste

The Commission on Human Rights,

Recalling its resolution 1989/42 of 6 March 1989,

Taking into consideration General Assembly resolution 42/183 of 11 December 1987,

Taking into account the Final Act of the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, adopted on 22 March 1989,

Aware that the Group of African States which participated at the Conference of Plenipotentiaries at Basle did not sign the Convention of 22 March 1989,

Noting that resolution 1225 (L) adopted by the Council of Ministers of the Organization of African Unity at its fiftieth session, held at Addis Ababa from 17 to 22 July 1989 (A/44/603, annex I), reaffirmed the position taken by the Group of African States that participated at the Conference of Plenipotentiaries at Basle,

Reaffirming that the movement and dumping of toxic and dangerous products endanger basic human rights such as the right to life and the right to the highest attainable standard of health, including in its environmental aspects,

1. Requests the United Nations Environment Programme to enter into negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal;

2. Requests the Secretary-General to submit a report on the result of the negotiations between the United Nations Environment Programme and the Organization of African Unity to the Commission on Human Rights at its forty-seventh session and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session.

52nd meeting
6 March 1990

[Adopted by 31 votes to none, with
11 abstentions. See chap. XIV.]

1990/44. Measures to improve the situation and ensure the
human rights and dignity of all migrant workers

The Commission on Human Rights,

Reaffirming the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Convinced that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling General Assembly resolution 34/172 of 17 December 1979, by which the Assembly established an open-ended working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984, 40/130 of 13 December 1985, 41/151 of 4 December 1986, 42/140 of 7 December 1987, 43/146 of 8 December 1988 and 44/155 of 15 December 1989, in all of which the Assembly took note of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and expressed its satisfaction with the steady and substantial progress being made by the Working Group,

Bearing in mind its own resolutions 37 (XXXVII) of 12 March 1981, 1982/35 of 11 March 1982, 1983/45 of 9 March 1983, 1984/61 of 15 March 1984, 1985/52 of 14 March 1985, 1986/58 of 13 March 1986, 1987/43 of 10 March 1987, 1988/77 of 10 March 1988 and, in particular, 1989/55 of 7 March 1989,

1. Welcomes once more the progress being made by the Working Group on the Drafting of an International Convention on the Protection of the rights of All Migrant Workers and Their Families in the discharge of its mandate and, in particular, the headway it has made in the second reading of the draft International Convention;

2. Reiterates the request by the General Assembly that the Centre for Human Rights should carry out the technical revision of the text of the articles of the draft convention approved in second reading by the Working Group, with a view to ensuring uniformity of terminology and to harmonizing the versions in the official languages of the United Nations, and expresses the wish that the technical revision should be finalized before the next meeting of the Working Group in order to enable it to complete its work as soon as possible;

3. Invites all Member States to continue co-operating with the Working Group in the performance of its task;

4. Reiterates its hope that the General Assembly will complete the elaboration of the convention as soon as possible;

5. Requests the Secretary-General to inform the Commission at its forty-seventh session of the further progress made in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIII.]

1990/45. Rights of persons belonging to national, ethnic,
religious and linguistic minorities

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980, 21 (XXXVII) of 10 March 1981, 1982/38 of 11 March 1982, 1983/53 of 10 March 1983, 1984/62 of 15 March 1984, 1985/53 of 14 March 1985, 1986/60 of 13 March 1986, 1987/47 of 10 March 1987, 1988/64 of 10 March 1988 and 1989/61 of 8 March 1989,

1. Takes note with satisfaction of the report of the open-ended Working Group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1990/41) and, in particular, of the progress made by the Group on the completion of a first reading of the draft declaration;

2. Requests the Secretary-General to entrust the Centre for Human Rights with the preparation of a technical review of the text of the articles of the draft declaration that have been approved by the Working Group at its first reading, with a view, inter alia, to ensuring uniformity of terminology and to harmonizing the versions in the official languages of the United Nations, bearing in mind General Assembly resolution 41/120 of 4 December 1986;

3. Requests further the Secretary-General to invite comments, for consideration by the Working Group, from Governments, specialized agencies, intergovernmental and non-governmental organizations, on the text of the articles of the draft declaration approved by the Group at its first reading;

4. Invites the Secretary-General to prepare for submission to the Working Group an analytical compilation of the comments received in pursuance of paragraph 3 of the present resolution;

5. Decides to consider at its forty-seventh session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";

6. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect A, draft resolution VI.]

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XX.]

1990/46. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

The Commission on Human Rights,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to promote social progress and better standards of life and greater freedom for all,

Bearing in mind that on various occasions Member States reiterated their resolve to promote the exercise of human rights and fundamental freedoms,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Emphasizing that doctrines of racial or ethnic superiority contradict the spirit and principles of the United Nations and that the application of such doctrines in practice leads to conflicts and massive and flagrant violations of human rights, and creates serious obstacles to friendly relations among nations,

Acknowledging with satisfaction the fact that many States have established systems and legislation based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices,

Recalling its previous resolutions on the subject,

1. Condemns all totalitarian or other ideologies and practices, including Nazi, Fascist or neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;
2. Expresses its determination to resist all totalitarian ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

3. Considers that the best defence against all totalitarian ideologies lies in free and effective popular participation in democratic institutions, including in particular genuine and periodic elections, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

4. Calls upon all States to take the necessary measures to ensure the thorough investigation and the detection, arrest, prosecution or extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and appropriately punished;

5. Also calls upon all States to promote, especially among the young, respect for international law as well as human rights and fundamental freedoms.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XXI.]

1990/47. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights.

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its decision 1985/112 of 14 March 1985, by which it decided that the open-ended Working Group should be convened at the forty-second session of the Commission, meeting pre-sessionally for one week, and its resolutions 1986/44 of 12 March 1986, 1987/52 of 11 March 1987, 1988/71 of 10 March 1988 and 1989/60 of 8 March 1989, in which the progress achieved by the Working Group at its first, second, third and fourth meetings was noted,

Recalling further its resolutions 23 (XXXVI) of 29 February 1980, 28 (XXXVII) of 11 March 1981, 1982/30 of 11 March 1982 and 1983/31 of 8 March 1983 concerning the role of individuals, groups and organs of society in the promotion and protection of universally recognized human rights,

Welcoming the significant progress made by the Working Group during its meetings prior to and during the forty-sixth session of the Commission,

Noting that the extensive discussion which took place prior to the forty-fifth session of the Commission and the provision of additional meeting time prior to the forty-sixth session contributed to this result,

1. Decides to continue at its forty-seventh session its work on the elaboration of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, on the basis of the views expressed and proposals made in the Working Group at its previous sessions, as well as any further proposals which may be made;

2. Decides also to make available prior to and during the forty-seventh session of the Commission appropriate meeting time for the Working Group;

3. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VII.]

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XXIV.]

1990/48. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106 of 10 March 1988 (E/CN.4/1989/46 and Corr.1),

Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba,

Recalling also its decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

Taking note of the letter of the Secretary-General to the Chairman of the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining ongoing contacts, both written and oral, with the Government of Cuba on this matter,

Expressing appreciation to the Secretary-General for his efforts in support of respect for human rights and fundamental freedoms,

Concerned by reports that witnesses who testified before the Working Group of the Commission have since been subject to arrest, harassment, or other forms of reprisals by the Government of Cuba,

Aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting and protecting human rights and fundamental freedoms,

1. Calls upon the Government of Cuba to honour its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever;

2. Calls upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of the Commission (E/CN.4/1989/46 and Corr.1, annex XVI) and to questions related to the documents listed in annex III to the report of the mission;

3. Welcomes the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the Government of Cuba, as expressed in his letter to the Chairman of the Commission dated 29 January 1990, and requests that he provide, under this agenda item, the results of these contacts to the Commission at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted by a roll-call vote of 19 to 12,
with 12 abstentions. See chap. XII.]

1990/49. Situation of human rights in Albania

The Commission on Human Rights,

Recalling that the human rights situation in Albania has been under consideration by the Commission since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission, acting under paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Bearing in mind also Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/15 of 1 September 1988,

Recalling its own resolution 1989/69 of 8 March 1989,

Welcoming the fact that for the first time the Government of Albania responded to the Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1990/46, para. 26),

Considering, however, that the Government concerned has failed to respond to the specific allegations transmitted to it by the Special Rapporteur,

Concerned about the reports on the situation of human rights in Albania which, in spite of reflecting some positive developments, continue to reveal violations of human rights, especially freedom of thought, conscience and religion, the right to leave the country and the right to a fair trial with all guarantees necessary for the defence,

Noting the invitation by the Government of Albania to the Secretary-General to visit the country,

1. Calls upon the Government of Albania to provide information on the concrete manner in which constitutional and legal measures comply with the provisions of the Universal Declaration of Human Rights and to respond to the specific allegations transmitted to it by the Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

2. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide the requested information;

(b) To take the present resolution into account when availing himself of the invitation by the Government of Albania to visit the country;

(c) To report to the Commission at its forty-seventh session on the results of his efforts under the present resolution;

3. Decides to continue its consideration of the situation of human rights in Albania at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted by 27 votes to 3, with
12 abstentions. See chap. XII.]

1990/50. Situation of human rights in Romania

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling its resolution 1989/75 of 9 March 1989 establishing a Special Rapporteur with the mandate to examine the human rights situation in Romania,

Recognizing that recent events have created new and improved prospects for the human rights situation in that country,

Recognizing also the need to promote a climate favourable to establishing a social order based on full respect for human rights in Romania,

Welcoming the positive attitude of the Government of Romania towards the Special Rapporteur and its willingness to continue to co-operate with him,

Convinced that the continued services of the Special Rapporteur will be of benefit to the Government and people of Romania during the present period of transition towards full respect for human rights and fundamental freedoms in Romania,

1. Takes note with appreciation of the reports of the Special Rapporteur (E/CN.4/1990/28 and Add.1);
2. Takes note of the considerable improvement in respect for human rights that has taken place in Romania;
3. Recommends that the Romanian authorities continue their action to ensure that human rights in all their aspects are respected in their country, both de jure and de facto, and pay particular attention to the points raised in the most recent report of the Special Rapporteur (E/CN.4/1990/28/Add.1);
4. Also recommends that the Romanian authorities consider the possibility of using the United Nations Voluntary Fund for Advisory Services as suggested by the Special Rapporteur in his report;
5. Decides to extend the mandate of the Special Rapporteur for a further year;

6. Requests the Special Rapporteur to report to the Commission at its forty-seventh session;

7. Takes note with appreciation of the readiness of the Government of Romania to co-operate with the Commission and its Special Rapporteur;

8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions;

9. Decides to continue its consideration of the human rights situation in Romania at its forty-seventh session.

52nd meeting

6 March 1990

[Adopted without a vote. See chap. XII.]

1990/51. Summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law, and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 4 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988 and 44/159 of 15 December 1989,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the

Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15 (A/CONF.121/22/Rev.1, chap. I, sect. E), as well as the ongoing work on summary and arbitrary executions within the Committee on Crime Prevention and Control,

Welcoming also the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Committee on Crime Prevention and Control on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extra-legal Arbitrary and Summary Executions,

Revalling also Economic and Social Council resolution 1989/64 of 24 May 1989 on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty and the recommendations contained therein,

Deeply alarmed at the occurrence, on a large scale, of summary or arbitrary executions, including extra-legal executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns, once again, the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;
2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;
3. Takes note with appreciation of the report of the Special Rapporteur, Mr. S. Amos Wako (E/CN.4/1990/22 and Corr.1 and Add.1) and welcomes his recommendations with a view to eliminating summary or arbitrary executions;
4. Decides to extend the mandate of the Special Rapporteur for a further two years in order to enable him to submit further conclusions and recommendations to the Commission;
5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of summary or arbitrary executions;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Encourages Governments, international organizations and non-governmental organizations to set up training programmes and to support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

9. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur as well as his recommendations;

10. Urges all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned, to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

11. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

12. Decides to consider the question of summary or arbitrary executions at its forty-seventh session, as a matter of high priority, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

1990/52. Human rights and mass exoduses

The Commission on Human Rights.

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur on this subject (E/CN.4/1503) and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (A/41/324, annex),

Recalling the recommendations concerning mass exoduses which it has made to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the Special Rapporteurs when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Taking note once again of the report of the Secretary-General on human rights and mass exoduses (A/38/538),

Welcoming the endorsement by the General Assembly, at its forty-first session, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Recalling General Assembly resolution 44/164 of 15 December 1989, by which the Assembly endorsed the recommendation of the Group of Governmental Experts that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons,

Recalling also its resolution 1989/63 of 8 March 1989 and its previous relevant resolutions as well as those of the General Assembly,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Bearing in mind the statement made by the United Nations High Commissioner for Refugees at its 36th meeting, held on 22 February 1990, which drew attention to the complexity of the global refugee problem, the need for a comprehensive approach addressing the concerns of all the different groups involved and the important role to be played in this regard by human rights institutions,

Noting that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

Recalling that the General Assembly, in its resolution 44/164, invited the Commission to keep the question of human rights and mass exoduses under review with a view to supporting the early warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

2. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

3. Takes note of the report of the Secretary-General on human rights and mass exoduses (A/44/622);

4. Encourages the Secretary-General to continue to take the necessary steps to discharge the function and responsibilities described in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows;

5. Welcomes the call by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees for a working group to examine refugee protection and durable solutions in a coherent and comprehensive manner;

6. Requests the Secretary-General to continue to develop the role of the Office for Research and the Collection of Information to strengthen the co-ordination of information-gathering and analysis with agencies so as to provide early warning of developing situations requiring the attention of the Secretary-General, as well as to provide a focal point within the United Nations system for policy response, including identification of policy options for the Secretary-General;

7. Also requests the Secretary-General to make the necessary information available to the competent United Nations organs;

8. Urges the Secretary-General to use the resources available to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, inter alia, computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights and the relevant specialized agencies and ensuring that data collection and information handling processes are harmonized and, where possible, that use be made of computerized systems;

9. Looks forward to the report of the Secretary-General to the General Assembly at its forty-fifth session on the strengthened role that the Secretary-General could play in undertaking early warning activities, especially in the humanitarian area, as well as any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

10. Decides to continue consideration of the question of human rights and mass exoduses at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

1990/53. Situation of human rights in Afghanistan

The Commission on Human Rights.

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Governments have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a Special Rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation relating to Afghanistan, concluded at Geneva on 14 April 1988 (S/19835, annex I), which constitute an important step towards a comprehensive political solution,

Noting with deep concern that a situation of armed conflict continues to exist in Afghanistan, that acts of terrorism against civilians have significantly increased, that the treatment of prisoners detained in connection with the conflict does not conform to the humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977, that more than 5 million refugees are living outside Afghanistan and that many Afghans are displaced within the country,

Aware that the reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution and the establishment of a broad-based government, include the continued fighting in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in many provinces and other obstacles which would be encountered by refugees in returning to Afghanistan,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) and of the conclusions and recommendations contained therein;

2. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur;

3. Welcomes the co-operation that the Afghan authorities have extended to international organizations, in particular to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan, the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

4. Urges all parties concerned to work for the achievement of a comprehensive political solution based on the right of self-determination and for the creation of a situation that will permit the return of refugees and the full enjoyment of human rights by all Afghans;

5. Also urges all parties to the conflict to respect the Geneva Conventions of 1949 and their Additional Protocols of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary execution, to transmit to the International Committee of the Red Cross the

names of all prisoners, as well as to grant to that Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, and to apply to all convicted persons article 14, paragraph 3 (d), and paragraph 5, of the International Covenant on Civil and Political Rights;

7. Notes with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

8. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

9. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to co-operate fully, especially on the subject of mine detection, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity, in conformity with the Geneva Agreements;

10. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

11. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

12. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session on the situation of human rights in Afghanistan;

13. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

14. Decides to continue its consideration of the human rights situation in Afghanistan at its forty-seventh session, as a matter of high priority, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and The Hague Convention IV of 1907,

Recalling its deep regret at Israel's failure to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern Lebanon, in particular to ascertain reports of ill-treatment of detainees in Khiam and Marjeyoun detention centres,

Recalling its previous resolutions in this respect, the latest being resolution 1989/65 of 8 March 1989,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices and to implement the above-mentioned resolutions of the Security Council which require the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, in its capacity as the occupying Power in southern Lebanon, to comply with the Geneva Conventions of 1949, specifically the Fourth Convention Relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying power in southern Lebanon, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular, to allow these organizations to visit the detention centres of Khiam and Marjeyoun and to ascertain the conditions of detainees;

5. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session on the results of his efforts in that regard;

6. Decides to continue its consideration of the situation of human rights in southern Lebanon at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted by a roll-call vote of 41 to 1,
with 1 abstention. See chap. XII.]

1990/55. Working Group on Situations

The Commission on Human Rights,

Recalling that, since 1974, the Commission has annually decided, with the approval of the Economic and Social Council, to set up a working group to assist it in the examination of the particular human rights situations referred to it under Council resolution 1503 (XLVIII) of 27 May 1970,

Observing that the contribution of the Working Group, referred to as the Working Group on Situations, has become a valuable feature in the implementation of the procedure governed by Council resolution 1503 (XLVIII),

Wishing to formalize the setting up of the Working Group on Situations on a regular basis,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VIII]

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that the Governments of all States Members of the United Nations are required to promote and protect human rights and fundamental freedoms,

Alarmed by the proliferation of acts of violence in Haiti, particularly against arrested or detained persons, and by the apparent inability of the Haitian judicial system to put an end to such acts,

Observing that the human rights situation in Haiti remains disturbing and even seems to have deteriorated since July 1989, particularly in rural areas,

Noting that the state of siege introduced on 20 January 1990 was lifted on 30 January and that a general amnesty for prisoners detained for attacks on the security of the State was announced on 7 February, but that many persons remain imprisoned or exiled and that, particularly because of the threats to their security, Haitians are not able to express their opinions freely and to participate under satisfactory conditions in the preparation of elections,

Taking account of the report of the Expert appointed by the Secretary-General, Mr. Philippe Texier, (E/CN.4/1990/44 and Add.1),

1. Expresses its appreciation to the Expert for his report and for the way in which he has discharged his mandate;
2. Welcomes the co-operation extended by the Haitian authorities to the expert during his visit to Haiti from 25 July to 3 August 1989;
3. Notes, however, that the Haitian authorities have not acted upon the assistance proposals which the Expert submitted to them under the advisory services programme;
4. Expresses the hope that the Haitian authorities will ensure that elections are held as scheduled and in appropriate conditions of honesty and security, under the supervision of impartial observers;
5. Requests the Haitian authorities to proceed forthwith to take the necessary measures to enable exiled opponents to return and to ensure their security, so that they can participate in preparing the elections;
6. Invites the Government of Haiti to bring back into force the full Constitution of 29 March 1987, which was adopted in a referendum by an overwhelming majority;

7. Also invites the Government of Haiti to expedite the investigation into the principal massacres, particularly those of 29 November 1987 and 11 September 1988, and to bring those responsible to trial;

8. Further invites the Government of Haiti to ratify the International Covenants and international conventions on human rights, in accordance with its undertaking of December 1988;

9. Requests the Chairman of the Commission on Human Rights to appoint an independent expert to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements;

10. Calls upon the Haitian authorities to co-operate fully with the independent expert;

11. Requests the Secretary-General to provide the independent Expert with all necessary assistance in performing his task;

12. Requests the independent expert to report to the Commission at its forty-seventh session on developments in the human rights situation in Haiti;

13. Decides to consider the report of the independent Expert at its forty-seventh session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/57. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1989/70 of 8 March 1989,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful of the fact that, for an appropriate and valid reform of the present political Constitution to be carried out, it is not only necessary to make technical changes but also essential to secure the active participation of all political tendencies, including the opposition parties in exile,

Also taking into account that the Equatorial Guinea nationals in exile who wish to return to and be reintegrated into the country include many qualified persons who could fill the existing gap with maximum promptness, and that the lack of trained personnel has been highlighted by the Expert, who has also recommended that the Government of Equatorial Guinea should grant a broad amnesty to all opponents of the régime who are in exile,

Considering that articles 20 and 21 of the Universal Declaration of Human Rights, article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights stipulate that everyone has the right to freedom of peaceful assembly and association,

1. Commends the Expert for his report on the human rights situation in Equatorial Guinea (E/CN.4/1990/42 and Add.1);

2. Welcomes the news that the Government of Equatorial Guinea is to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

3. Urges the Government of Equatorial Guinea, in accordance with the recommendation of the Expert, to establish as soon as possible a Special Review Commission to monitor the implementation of the Plan of Action proposed by the United Nations and accepted by that Government and to adopt other measures suggested for the purpose of promoting and protecting human rights;

4. Recommends that the Government of Equatorial Guinea avail itself of the advisory services in the field of human rights to prepare the initial reports on the human rights situation in the country in accordance with the recommendation of the Committee on Economic, Social and Cultural Rights at its third session (E/1989/22, para. 344 (b)) in order to fulfil its obligations as a party to the International Covenants on Human Rights;

5. Urges the Government of Equatorial Guinea to draw up a General Associations Act to facilitate the implementation of the human rights recognized in the International Covenants on Human Rights ratified by that Government;

6. Encourages the Government of Equatorial Guinea to endeavour to facilitate the repatriation of all refugees and exiles, inter alia by adopting measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

7. Requests the Secretary-General to provide such advisory services and other forms of appropriate assistance in the field of human rights as may be requested by the Government of Equatorial Guinea, especially for the purpose of codifying the basic civil and criminal laws and preparing the initial reports which Equatorial Guinea, as a party to the International Covenants on Human Rights, is required to submit to the committees established by those treaties;

8. Also requests the Secretary-General to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government;

9. Further requests the Expert to report to the Commission on Human Rights at its forty-seventh session.

53rd meeting

7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/58. Advisory services in the field of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling also General Assembly resolution 41/154 of 4 December 1986, in which the Assembly requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations,

Recalling also General Assembly resolution 43/90 of 8 December 1988, in which the Assembly invited the Commission on Human Rights to consider a programme of action in the field of human rights, including activities to develop human rights institutions and infrastructures,

Recalling further its resolution 1985/26 of 11 March 1985, in which it encouraged the Secretary-General to continue and enhance his efforts under the programme of advisory services in the field of human rights to provide practical assistance to States in the implementation of international

conventions on human rights, particularly the International Covenants on Human Rights, and its resolutions 1986/52 of 13 March 1986, 1987/37 and 1987/38 of 10 March 1987, 1988/53 and 1988/54 of 8 March 1988 and 1989/71 and 1989/72 of 8 March 1989,

Mindful of the provisions of General Assembly resolution 926 (X) that advisory services shall be rendered by the Secretary-General solely at the request of Governments,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1990/43),

Noting with appreciation the enhanced efforts of the Secretary-General to co-ordinate system-wide advisory services and technical assistance in the field of human rights and the foundation of a flexible inter-agency mechanism for human rights activities,

Noting with appreciation the organization of an international seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, held in Athens from 18 to 26 September 1989, and of a national training course on international human rights standards, held in Moscow from 27 November to 1 December 1989,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Supporting, therefore, the general thrust of the plan of activities contained in the report of the Secretary-General (E/CN.4/1990/43, sect. IV),

1. Welcomes the increasing number of requests from Governments for support and technical assistance in the field of human rights;
2. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;
3. Requests the Secretary-General to provide urgently more human and financial resources for the enlargement of advisory services, particularly from section 24 of the programme budget concerning technical co-operation, in order to meet the increased demand on this important instrument intended to invigorate the human rights spirit in the world;
4. Also requests the Secretary-General to pursue his efforts for a medium-term plan for advisory services and technical assistance in the field of human rights, taking into account the comments and views expressed by Governments at the forty-sixth session of the Commission on Human Rights;

5. Recommends to the Secretary-General that the provision of expert assistance and activities to assist Governments in the development of the necessary infrastructures to meet international human rights standards should continue to increase;
6. Welcomes the setting-up of an advisory group in the Centre for Human Rights to assist the Under-Secretary General for Human Rights in the identification and evaluation of projects, and requests the Secretary-General to further restructure the secretariat in this area aiming at even more effective management of these activities;
7. Requests the Secretary-General to enable the Centre for Human Rights to intensify co-ordination within the United Nations system of the activities for the provision of advisory services and technical assistance in the field of human rights in all their aspects;
8. Notes with appreciation the co-operation between the Centre for Human Rights and the United Nations Development Programme and encourages the leadership of both organizations further to enhance co-ordination and co-operation between them;
9. Requests the Secretary-General to explore yet further the possibilities offered by co-operation between the Centre for Human Rights and United Nations bodies, such as the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, as well as the International Committee of the Red Cross, in the development of strategies for the setting up or the strengthening of national and regional infrastructures for the promotion and protection of human rights and fundamental freedoms and the planning, execution and evaluation of specific projects;
10. Also requests the Secretary-General to ensure close co-ordination between the activities of the regular programme of advisory services and those of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;
11. Further requests the Secretary-General to bring the need for further technical assistance in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations;
12. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, to make suggestions and proposals for the implementation of advisory services;

13. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

14. Also requests the Secretary-General to give special attention to such proposals of special rapporteurs and representatives;

15. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

16. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example for drafting basic legal texts in conformity with international conventions on human rights;

17. Expresses its appreciation to all Governments and intergovernmental and non-governmental organizations which have responded to the Secretary-General's call to provide assistance to States that indicated their need for technical assistance in the field of human rights, and requests the Secretary-General to pursue his efforts to co-ordinate and facilitate the flow of bilateral assistance in such cases;

18. Requests the Secretary-General to report on the progress made in the implementation of the programme of advisory in the field of human rights to the Commission at its forty-seventh session.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/59. Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights by the Secretary-General on 16 November 1987 pursuant to Commission resolution 1987/38 of 10 March 1987 and Economic and Social Council decision 1987/47 of 29 May 1987,

Bearing in mind the appeal made by the Secretary-General on that occasion to Governments and intergovernmental and non-governmental organizations for contributions to the Fund,

Noting with satisfaction that several Governments and non-governmental organizations have responded favourably to this appeal,

Recalling its resolution 1989/71 of 8 March 1989,

Taking note with appreciation of the relevant sections of the annual report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1990/43),

Mindful of the provisions of General Assembly resolution 926 (X) that advisory services shall be rendered by the Secretary-General solely at the request of Governments,

1. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

2. Also expresses its appreciation to those Governments and non-governmental organizations that have made financial contributions to the Voluntary Fund;

3. Calls upon all Governments, intergovernmental and non-governmental organizations and individuals to consider making voluntary contributions for the implementation of projects within the programme of the Voluntary Fund;

4. Emphasizes that the objective of the Voluntary Fund is to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations, the specialized agencies or regional organizations;

5. Recommends that activities under the Voluntary Fund should be directed towards expert and technical assistance to Governments with a view to creating and developing the necessary infrastructures to meet international human rights standards;

6. Encourages the Secretary-General to pay due attention to the particular needs of developing countries from all regions and to explore fully the possibilities offered by the co-operation of the relevant specialized agencies with the Centre for Human Rights;

7. Recommends that the Secretary-General continue to consider for financing and implementation through the Voluntary Fund those projects and programmes that can play a catalytic role in the practical realization of internationally recognized human rights standards;

8. Requests the Secretary-General to bring regularly to the attention of all Governments and of the competent human rights organs the possibilities that exist under the Voluntary Fund of providing advisory services and technical assistance to Governments at their request;

9. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services and technical assistance in that field;

10. Also encourages Governments to seek contact and to co-operate with non-governmental human rights organizations in implementing programmes under the Voluntary Fund;

11. Requests the Secretary-General to continue to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund, with special emphasis on defining priorities and developing criteria for project appraisal and follow-up;

12. Also requests the Secretary-General to guarantee transparency of the criteria applied and of the rules of procedure to be followed in the implementation of advisory services;

13. Further requests the Secretary-General to report annually to the Commission on Human Rights on the operation and administration of the Voluntary Fund as part of his annual report on advisory services in the field of human rights.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/60. Report of the visit to Namibia by the Ad Hoc Working Group on southern Africa

The Commission on Human Rights.

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Satisfied with the implementation of the United Nations proposal for a settlement of the Namibian situation, in accordance with Security Council resolution 435 (1978) of 29 September 1978,

Commending the people of Namibia for adopting a democratic constitution that fully accords with the principles enshrined in the Universal Declaration of Human Rights as well as other international instruments in the field of human rights,

Taking note of the report of the visit to Namibia by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7/Add.1),

1. Expresses its gratitude to the Ad Hoc Working Group of Experts on southern Africa for the manner in which it has discharged its mandate on Namibia since 1967;
2. Decides to terminate the mandate of the Working Group on the questions relating to Namibia as provided for in Commission resolutions 1989/3, 1989/4 and 1989/5 of 23 February 1989;
3. Expresses its appreciation to the Secretary-General for his personal commitment to the independence of Namibia and to the United Nations Transition Assistance Group in Namibia for its efforts in the full implementation of Security Council resolution 435 (1978);
4. Requests the Secretary-General to provide such advisory services and other forms of technical assistance in the field of human rights as may be requested by the future Government of Namibia from the United Nations Fund for Advisory Services and Technical Assistance;
5. Also requests the Secretary-General to give due consideration to the implementation of the present resolution.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/61. Assistance to Paraguay in the field of human rights

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/15 of 31 August 1989,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments promoting and protecting human rights,

Reiterating that the Governments of all Member States are under the obligation to promote and protect human rights and fundamental freedoms,

Recalling that international co-operation in the field of human rights is one of the purposes of the Charter of the United Nations,

Noting with satisfaction the ratification by Paraguay of the American Convention on Human Rights and the readiness to ratify shortly the major international instruments on human rights,

Bearing in mind the positive developments in the overall situation in Paraguay and the endeavours of the Government and the people to consolidate democracy and guarantee the full observance of human rights and fundamental freedoms,

Also noting with satisfaction that the Government of Paraguay has repealed repressive Laws Nos. 209 and 294 and has allowed all exiles to return, thus complying with the request made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights in earlier resolutions,

Noting with appreciation the full observance of freedom of the press and the acknowledged progress achieved in the effective enjoyment of political rights,

Noting with interest the process of trade union reorganization initiated in Paraguay and the announcement by the Government of a comprehensive agrarian reform in Paraguay,

Welcoming the request by the Government of Paraguay to receive as soon as possible technical assistance and advisory services in the field of human rights, which emphasizes the will of the Government to continue to intensify the process of reforms to secure the effective and full enjoyment of human rights and fundamental freedoms,

Recalling General Assembly resolutions 41/154 of 4 December 1986 and 43/90 of 8 December 1988, as well as its own resolutions 1985/26 of 11 March 1985 and 1989/72 of 8 March 1989, which emphasize the duty of the United Nations to render effective assistance to countries that, going through a particular period in their history, need international co-operation to consolidate their democratic institutions and adapt their internal legislation to the demands of the proper rule of law,

Taking note of the importance of the services of experts, fellowships, training courses and seminars under the programme of advisory services, as forms of practical assistance to States to enable them to develop the infrastructure necessary to meet international standards in the field of human rights,

1. Welcomes the process of democratization in Paraguay, which is a crucial step towards the full and effective enjoyment of human rights and fundamental freedoms;

2. Notes with particular interest the ratification of the American Convention on Human Rights, the repeal of repressive Laws Nos. 209 and 294, as well as the full exercise of freedom of the press and the other reforms undertaken for the benefit of the Paraguayan population as a whole;

3. Encourages the Government of Paraguay to further the process of democratization and to continue the institutional and legal reforms to guarantee the effective enjoyment and full exercise of fundamental rights and freedoms;

4. Notes with satisfaction the request by the Government of Paraguay to receive technical assistance and advisory services in the field of human rights, as well as its full readiness to co-operate with the Commission on Human Rights;

5. Requests the Secretary-General to provide such advisory services and other appropriate forms of assistance in the field of human rights as are requested by the constitutional Government of Paraguay to foster democratic advances and the strengthening of the institutions responsible for ensuring respect for human rights;

6. Appeals to the international community to render all possible assistance to Paraguay so as to contribute to the realization of economic, social and cultural rights, as well as civil and political rights;

7. Decides to consider at its forty-seventh session the question of assistance to Paraguay in the field of human rights, under the agenda item "Advisory services in the field of human rights".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/62. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights.

Mindful that one of the purposes of the United Nations as embodied in the Charter is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards concerning the rights of indigenous populations,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations of the Sub-Commission to intensify its efforts, in carrying out its plan of action, to continue the elaboration of international standards in this field,

Having examined the report of the Working Group on its seventh session, held from 31 July to 4 August 1989 (E/CN.4/Sub.2/1989/36),

Conscious that, in various situations, indigenous populations are unable to enjoy their inalienable human rights and fundamental freedoms,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous populations in all parts of the world,

Determined to do everything possible to promote the enjoyment of the rights of indigenous populations,

1. Expresses its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its seventh session in the area of standard-setting, and for its continued broad approach and flexible methods of work;
2. Further expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, specialized agencies, non-governmental organizations and, in particular, indigenous organizations and communities;
3. Welcomes the decision of the Sub-Commission to continue to entrust to the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, the further development of a draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous organizations and communities and other interested parties in accordance with the relevant resolution of the Sub-Commission;
4. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance needed to carry out her task;

5. Recommends to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 serviced meetings in the 10 working days prior to the forty-second session of the Sub-Commission for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and organizations of indigenous peoples;
6. Recalls that the Economic and Social Council, in its resolution 1988/37 of 27 May 1988, recommended that the General Assembly should, when appropriate, proclaim an international year of the world's indigenous populations;
7. Encourages Governments and indigenous organizations and communities, as well as other interested parties, to review and comment upon the draft declaration contained in annex II to the report of the Working Group on its seventh session as invited by the Sub-Commission;
8. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous populations and of the situation and aspirations of indigenous populations throughout the world;
9. Requests the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations and communities, of indigenous populations, in order to encourage the widest possible participation in its work;
10. Also requests the Secretary-General to organize, in 1991, within the existing resources and framework of the United Nations regular programme of technical co-operation, a technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, with the participation of experts from governments, appropriate specialized agencies and indigenous peoples organizations, which should be held along the same lines as the United Nations Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, held at Geneva from 16 to 20 January 1989 (E/CN.4/1989/22);
11. Expresses its gratitude and appreciation to the Governments and organizations that have already made contributions to the United Nations Voluntary Fund for Indigenous Populations;
12. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for initial as well as further contributions to the Fund;

13. Requests the Working Group on Indigenous Populations and the Sub-Commission to consider ways and means of broadening the scope and activities of the Voluntary Fund, in order to provide enhanced orientation for representatives of indigenous populations attending the annual sessions of the Working Group, and to transmit their recommendations to the Commission at its forty-seventh session.

53rd meeting
7 March 1990

[Adopted without a vote.¹ See chap. XIX.]

1990/63. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights.

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Having noted the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session (E/CN.4/Sub.2/1989/39),

Having considered Sub-Commission resolutions 1987/31 and 1987/32 of 4 September 1987, 1988/31 of 1 September 1988 and 1989/41 of 1 September 1989,

Recalling its resolutions 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and 1988/42 of 8 March 1988 and 1989/35 of 6 March 1989 on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission,

Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others,

Recalling also Economic and Social Council resolutions 1988/34 of 27 May 1988 and 1989/74 of 24 May 1989 on the Working Group on Contemporary Forms of Slavery,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery;

2. Invites those eligible States that have not ratified the relevant conventions to consider doing so as soon as possible, or to explain in writing why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

3. Also invites intergovernmental organizations, relevant organizations of the United Nations system, including the International Labour Organisation, the World Health Organization, the World Bank, the International Monetary Fund, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme, the United Nations Children's Fund and the United Nations University, the International Criminal Police Organization and non-governmental organizations concerned to continue to supply relevant information to the Working Group;

4. Welcomes the study prepared by the Secretary-General on ways and means of establishing an effective mechanism for the implementation of the Slavery Conventions (E/CN.4/Sub.2/1989/37) and encourages the Sub-Commission, including its Working Group, to continue its debate on this study and to elaborate recommendations on this issue at its forty-second session;

5. Takes note with appreciation of the assignment by the Secretary-General of a part-time professional staff member to serve the Working Group and undertake other activities relating to contemporary forms of slavery under the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices and requests the Secretary-General to assign this staff member on a full-time basis;

6. Recalls its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

7. Calls upon all relevant non-governmental organizations in consultative status with the Economic and Social Council, including those interested in children's and women's rights, to attend the sessions of the Working Group;

8. Recalls its request to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983 and requests the Secretary-General to report on the comments received to the Council at its first regular session of 1990, and to make this report available to the Working Group;

9. Invites all Member States to consider the possibility of taking appropriate action for the protection of children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

10. Requests Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/64. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session (E/CN.4/1990/2 and Corr.1 and 2),

Expressing appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its first and fifth sessions and its particular responsibilities established in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Recalling also its resolution 1989/36 of 6 March 1989, in which it provided certain guidelines for the work of the Sub-Commission,

Expressing appreciation for the report of the Chairman of the Sub-Commission prepared in accordance with paragraph 15 of Commission resolution 1989/36 (E/CN.4/1990/40),

Convinced of the need for a further strengthening of a substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Calling upon Governments to respect the independence of the members of the Sub-Commission,

Reaffirming that the systematic preparation of well-researched studies, reports and draft international instruments continues to be one of the most important elements of the expert work of the Sub-Commission and of its contribution to the work of the Commission,

Noting the growing number of resolutions and decisions adopted by the Sub-Commission every year,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Welcoming Sub-Commission decision 1989/104 of 30 August 1989, by which it established a sessional working group to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to discharge better its responsibilities in dealing with the protection and promotion of human rights, and which would include, in particular, suggestions and proposals made by the Commission,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Reaffirming that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Requests the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission;

4. Urges all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting;

5. Recommends that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed;

6. Reminds the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies;

7. Asks the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;

8. Invites the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups and should be consistent with the role of the Sub-Commission as a body of independent experts;

9. Requests the Sub-Commission at its forty-second session to consider its practice of forwarding draft resolutions and decisions to the Commission for attention, action or consideration;

10. Urges the Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues to which it can make a distinctive contribution;

11. Invites the Sub-Commission to request its Working Group established under its decision 1989/104 to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission;

12. Also invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

13. Recognizes that working groups constitute an invaluable element in the expert work of the Sub-Commission;

14. Takes note of the steps taken so far by the Sub-Commission to rationalize and streamline its work and encourages the Sub-Commission to continue this process;

15. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission;

16. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

17. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

18. Requests the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines which the Commission is providing in the present resolution.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/65. Discrimination against people infected with the human immuno-deficiency virus (HIV) or people with the acquired immuno-deficiency syndrome (AIDS)

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

1. Endorses the appointment by the Sub-Commission of Mr. Luis Varela Quirós to undertake a study on problems and causes of discrimination against people infected with the human immuno-deficiency virus (HIV) or people with the acquired immuno-deficiency syndrome (AIDS);

2. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 21.]

53rd meeting

7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/66. Human rights in times of armed conflicts.

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/24 of 31 August 1989,

Sharing the view expressed by the Sub-Commission that better respect for humanitarian law and the law of human rights is needed in times of armed conflict,

Recognizing the vital role of the International Committee of the Red Cross in the dissemination of international humanitarian law,

1. Notes that the States Parties to the four Geneva Conventions of 1949 and to the two Additional Protocols of 1977 have undertaken to disseminate those instruments as widely as possible and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population;

2. Calls upon all Governments to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and international humanitarian law applicable in armed conflicts;

3. Recommends that this education also include transmission of knowledge of the relevant instruments in the field of human rights as well as the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on the Independence of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions;

4. Requests the Secretary-General to transmit the present resolution to all Governments requesting information on the scope of education provided to members of the police and the armed forces;

5. Also requests upon the Secretary-General to submit to the Sub-Commission, at its forty-second session, an analytical review of the replies received;

6. Calls upon upon the Sub-Commission to study the matter further at its forty-second session with a view to making proposals to the Commission for further action in this field.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/67. Programme of action for prevention of sale of children, child prostitution and child pornography.

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session (E/CN.4/Sub.2/1989/39),

Having noted with great concern the information about the world-wide occurrences of the sale of children, child prostitution and child pornography,

Noting also that most of the victims of sexual abuse are children from third world countries exploited by foreign tourists,

Gravely concerned with the damage this causes to the children affected,

Endorsing the view expressed by the Sub-Commission that a concerted programme of action should be adopted to counteract these abuses,

Having examined the various elements in the draft programme of action contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39, chap. VII, annex A) proposed by the Sub-Commission,

1. Decides to transmit to Governments, specialized agencies and other intergovernmental organizations as well as non-governmental organizations, the draft programme of action (E/CN.4/Sub.2/1989/39, chap. VII, annex A) for their comments;

2. Requests the Secretary-General to submit to the Commission at its forty-seventh session an analytical summary of the responses received;

3. Also decides to examine at its forty-seventh session the draft programme of action and the report by the Secretary-General.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of such rights and freedoms wherever they occur,

Recalling the provisions of the Declaration on the Rights of the Child proclaimed by the General Assembly on 20 November 1959 in its resolution 1386 (XIV) and, in particular, Principle 2, whereby the child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity, and Principle 9, whereby the child shall be protected against all forms of neglect, cruelty and exploitation and shall not be the subject of traffic, in any form,

Recalling the provisions of resolution 1989/36 of 6 March 1989, by which the Sub-Commission on Prevention of Discrimination and Protection of Minorities is invited to continue to give due regard to new developments in the field of human rights,

Recalling its resolutions 1982/20 of 10 March 1982, 1988/42 of 8 March 1988 and 1989/34 of 6 March 1989,

Having considered the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission at its forty-first session (E/CN.4/Sub.2/1989/39),

Deeply concerned about the existence in many parts of the world of cases of serious violations of the rights of children, particularly cases of the sale of children, child prostitution and child pornography,

1. Decides to appoint for a period of one year a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes;

2. Requests the Chairman of the Commission, following consultations with the other members of the Bureau, to appoint as Special Rapporteur a person of international reputation;

3. Invites the Special Rapporteur to take account, in fulfilling his mandate, of the need to be in a position to use any credible and reliable information made available to him, to request the Governments concerned to state their views and comment on any information he intends to include in his report and to carry out his task with discretion and independence;

4. Requests the Secretary-General to urge all Governments to co-operate closely with the Special Rapporteur and to offer their co-operation and assistance so that he may fulfil his mandate effectively;

5. Also requests the Secretary-General to give the Special Rapporteur any necessary assistance;

6. Requests the Special Rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations;

7. Decides to consider the question at its forty-seventh session.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/69. Status of the individual and contemporary international law

The Commission on Human Rights,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/46 of 1 September 1989,

Having considered the study on the status of the individual and contemporary international law (E/CN.4/Sub.2/1989/40) prepared by the Special Rapporteur, Ms. Erica-Irene A. Daes,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IX.]

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/70. Streamlining the system of preparation of reports and studies by the Secretary-General

The Commission on Human Rights,

Aware of the necessity to streamline the system of preparation of reports and studies by the Secretary-General, which give important possibilities for the international community to analyse existing problems in the field of human rights, and allow for exchange of experience in the promotion and protection of human rights,

Recalling Economic and Social Council resolution 1986/33 of 23 May 1986,

Requests the Secretary-General to prepare and dispatch to Governments, after each session of United Nations human rights bodies, a list containing operative paragraphs of all resolutions and decisions which require preparation of reports and studies, together with a tentative schedule of their preparation, and to send corresponding notes verbales as soon as possible as reminders of the list.

53rd meeting

7 March 1990

[Adopted without a vote. See chap XI.]

1990/71. Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region

The Commission on Human Rights.

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986 and 43/140 of 8 December 1988, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988 and 1989/50 of 7 March 1989,

Noting Economic and Social Commission for Asia and the Pacific resolution 45/2 of 5 April 1989,

Recognizing the valuable contribution that could be made by national institutions in the field of human rights to the concept of regional arrangements,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Noting the value of the Seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo in 1982 (A/37/422, annex), and the training course of human rights-teaching held at Bangkok in 1987 under the United Nations programme of advisory services in the field of human rights (E/CN.4/1988/39/Add.1),

1. Takes note of the report of the Secretary-General (E/CN.4/1990/18 and Add.1);

2. Welcomes the designation of the library of the Economic and Social Commission for Asia and the Pacific as a depository centre for United Nations human rights materials, the functions of which would include the collection, processing and dissemination of such materials in the Asian-Pacific region;

3. Requests the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific for appropriate dissemination in the Asian-Pacific region;

4. Encourages United Nations development agencies in the Asian-Pacific region to co-ordinate with the Economic and Social Commission for Asia and the Pacific their efforts to promote the human rights dimension in their activities;

5. Takes note that an Asian-Pacific regional workshop on various human rights issues, including regional and national institutions and arrangements for the promotion and protection of human rights, will be held in Manila in early 1990, within the framework of the advisory services and technical assistance programme and the World Public Information Campaign for Human Rights (see E/CN.4/1990/18, para. 7);

6. Requests the Secretary-General to consult the countries of the Asian-Pacific region on the widest possible basis in the implementation of the present resolution;

7. Requests also the Secretary-General to submit a further report to the Commission at its forty-seventh session, incorporating information on the progress achieved in the implementation of the present resolution;

8. Decides to continue its consideration of the question at its forty-seventh session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/72. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights.

The Commission on Human Rights.

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions on this subject, in particular resolutions 43/128 of 8 December 1988 and 44/61 of 8 December 1989 as well as its own resolution 1989/53 of 7 March 1989,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in these endeavours,

Believing that a world public information campaign on human rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights worldwide,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1990/19), and supports the general thrust of the proposed programme of implementation of the World Public Information Campaign for Human Rights;

2. Reaffirms the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages in sufficient volume to have the desired impact, and also for effective use to be made of the mass media, in particular radio and television and audio-visual technologies, in order to reach a wider audience, with priority being given to children, other young people and the disadvantaged, including those in isolated areas;

3. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information material in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres;

4. Also appreciates the efforts of the Secretariat to establish, within available resources, the collection of basic United Nations information and reference material on human rights and fundamental freedoms at each United Nations information centre, and requests the Secretary-General to provide the Commission, at its forty-seventh session, with a report on the situation in this respect in each information centre on the basis of replies given on a questionnaire prepared to this effect by the Secretariat;

5. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination, in their respective national and local languages, of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other

international instruments, and to information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

6. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, bearing in mind the availability of the teaching booklet published by the Centre for Human Rights, and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes;

7. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops in promoting practical education and awareness in the field of human rights;

8. Requests the Secretary-General to ensure the fullest effective deployment of the skills and resources of all the Secretariat units concerned and to make available, within existing resources, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights;

9. Takes note of the information provided by the Secretary-General on the budget available for information activities in the field of human rights and requests the Department of Public Information of the Secretariat to make full use of the available resources in the field of human rights in order to expand and update its stock of audio-visual material on human rights, including the production of human rights documentation and films, and to increase the print-run of the information and reference material produced by the United Nations, in particular the Fact Sheet series, for world-wide distribution;

10. Requests the Centre for Human Rights to co-ordinate as necessary, taking fully into account General Assembly resolution 43/128 and in particular the primary role assigned to the Department of Public Information in its own field of competence, the relevant activities of the World Campaign within the United Nations system, and to maintain liaison with Governments, regional and national institutions and individuals concerned in the development and implementation of those activities;

11. Stresses the need for close co-operation between the Centre for Human Rights and the Department of Public Information, inter alia, in the implementation of the aims established for the World Campaign;

12. Asks the Secretary-General to make arrangements for the translation of the Universal Declaration of Human Rights into additional non-official languages and to ensure the availability of the text in both official and non-official languages and in sufficient quantities at United Nations information centres worldwide;

13. Requests the Secretary-General to take advantage as much as possible, in the implementation of the World Campaign, of the collaboration of non-governmental organizations, including in the dissemination of human rights material, with a view to increasing universal awareness of human rights and fundamental freedoms;

14. Emphasizes the need for the United Nations to harmonize its public information activities in the field of human rights with organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees in relation to the dissemination of information on international humanitarian law and, with regard to education for human rights, the United Nations Educational, Scientific and Cultural Organization, and appreciates the efforts made by the Secretary-General to this effect;

15. Requests the Secretary-General to submit to the Commission, at its forty-seventh session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1990 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of Human rights;

16. Decides to continue its consideration of the question at its forty-seventh session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/73. National institutions for the promotion and protection of human rights.

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolution 1989/52 of 7 March 1989 and General Assembly resolution 44/64 of 8 December 1989,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that can be played by institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions,

Welcoming the holding in 1990 of a regional Asia-Pacific workshop under the auspices of the United Nations to consider, inter alia, the experience of different regions and countries in the establishment of regional or national institutions for the promotion and protection of human rights,

1. Takes note of the progress made in this area in the past few years and of the increased number of national institutions ~~for~~ the promotion and protection of human rights in all parts of the world as well as of the efforts of the Centre for Human Rights to increase co-operation with regional and national institutions;

2. Requests the Centre for Human Rights to continue its efforts in order to enhance co-operation between the United Nations and regional and national institutions, particularly in the field of advisory services and technical assistance and of information and education, not least within the framework of the World Public Information Campaign for Human Rights;

3. Requests the Secretary-General to convene a workshop, to be financed from the Regular Programme of Technical Co-operation, with the participation of national and regional institutions for the promotion and protection of human rights, to review, inter alia, their co-operation with international institutions such as the United Nations and its bodies, with a view to increasing their effectiveness nationally and internationally;

4. Also requests the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/74. Convention on the Rights of the Child

The Commission on Human Rights,

Welcoming the adoption of the Convention on the Rights of the Child by the General Assembly in its resolution 44/25 of 20 November 1989,

Encouraged by the fact that an unprecedented number of States became signatories to that Convention at the signing ceremony on 16 January 1990, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Noting the World Summit for Children to be held in September 1990,

Considering that the Commission should accord special concern to questions relating to the human rights of children,

Believing that the attention of the Commission to this question could lead to greater understanding of, and improved responses to, children's special needs and vulnerability, and could also contribute significantly in due course to the work of the future Committee on the Rights of the Child,

1. Calls upon all States to consider signing and ratifying or acceding to the Convention on the Rights of the Child;

2. Requests the Secretary-General to assume an active role in the diffusion of information on the Convention on the Rights of the Child and in its promotion, through the World Public Information Campaign for Human Rights and the Advisory Services Programme and in co-operation with the United Nations Children's Fund and other concerned United Nations bodies;

3. Also requests the Secretary-General to prepare a report on the status of the Convention on the Rights of the Child for submission to the Commission on Human Rights;

4. Decides to include in the agenda of its forty-seventh session of the Commission an item entitled "Status of the Convention on the Rights of the Child";

5. Further requests the Secretary-General to transmit to the Commission the report of the World Summit for Children as regards the promotion and implementation of the Convention on the Rights of the Child.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/75. Consequences of acts of violence committed by irregular armed groups and drug traffickers for the enjoyment of human rights

The Commission on Human Rights,

Reaffirming its responsibility for accurate and impartial analysis and for international monitoring of human rights,

Acknowledging the invaluable contribution made by non-governmental organizations to the constant monitoring of all matters relating to human rights and fundamental freedoms,

Deeply concerned at the increase in violence committed by irregular armed groups and drug traffickers in many countries,

Alarmed at the evidence of growing links between irregular armed groups and drug traffickers,

Observing that such acts adversely affect the well-being of peoples and cause serious damage to the infrastructure and economic production of countries,

Noting, in particular, that such acts prevent the unimpeded exercise of civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights,

Stressing that all international obligations relating to the promotion and protection of human rights and fundamental freedoms must be honoured at all times,

Aware that other aspects of this problem are being dealt with appropriately in other United Nations bodies, such as the Congress on the Prevention of Crime and the Treatment of Offenders, the Commission for Social Development and the Commission on Narcotic Drugs,

1. Expresses its deep concern at the adverse effects on the enjoyment of human rights of the crimes and atrocities committed in many countries by irregular armed groups, regardless of their origin, and by drug traffickers;
2. Requests all Special Rapporteurs and Working Groups to pay particular attention to the activities of irregular armed groups and drug traffickers in their forthcoming reports to the Commission;
3. Requests the Secretary-General to collect information on this question from all relevant sources and to make it available to the Special Rapporteurs and Working Groups concerned for their consideration;
4. Decides to consider the question as a matter of high priority at its forty-seventh session.

54th meeting
7 March 1990

[Adopted by a roll-call vote of 41 to none,
with 2 abstentions. See chap. XI.]

1990/76. Co-operation with representatives of
United Nations human rights bodies.

The Commission on Human Rights,

Affirming that representatives of the United Nations human rights bodies engaged in studying human rights situations or certain aspects of human rights violations must take an even-handed approach in the gathering of information with a view to arriving at a balanced implementation of their mandates,

Convinced that, to this end, unhampered access to private individuals or groups is vitally important, and that anybody wishing to impart pertinent information to the United Nations should not feel inhibited from doing so by fear of intimidation or reprisal,

Recalling that private individuals and groups should, likewise, feel free to avail themselves, without fear of intimidation or reprisal, of the various procedures established by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by various human rights instruments, for drawing attention to alleged violations of human rights,

Concerned about cases reported to United Nations organs of private individuals and groups who, before or after co-operating with representatives of United Nations human rights bodies or treaty bodies, have been subjected to harassment, ill-treatment and detention or imprisonment or other forms of hardship,

Also concerned about reports that relatives or those dear to such individuals have themselves been subjected to similar treatment,

Further concerned about reports that relatives of disappeared persons, when seeking to clarify the fate or whereabouts of the victims through the appropriate channels, have frequently been subjected to reprisals as have the organizations to which they belong,

Affirming that the United Nations should take steps to prevent harm to those who turn to the Organization for help on human rights concerns,

Recalling its resolution 1988/34 of 8 March 1988, in which it urged Governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject,

1. Calls upon all Governments receiving representatives of United Nations human rights bodies to provide effective advance information to them, to allow unhampered contacts between private individuals and such representatives and to remove all legal and practical obstacles which would unduly prevent or discourage such contacts from taking place;

2. Condemns all acts of intimidation or reprisal, in whatever form, against private individuals and groups who seek to co-operate with the United Nations and representatives of its human rights bodies, or who have sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms;

3. Requests all representatives of United Nations human rights bodies reporting on violations of human rights to the Commission or to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the exercise of their respective mandates:

(a) To take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal;

(b) To devote special attention to the question in their respective reports to the Commission or the Sub-Commission;

4. Requests the Secretary-General to submit to the Commission at its forty-seventh session any available information, from all appropriate sources, on reprisals against witnesses or victims of human rights violations;

5. Decides to consider again the question at its forty-seventh session.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/77. Situation of human rights in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and by the humanitarian standards laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II of 1977 thereto,

Reaffirming that the Governments of all Member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have assumed under the relevant international instruments,

Noting with satisfaction that the Special Representative indicates in his report (E/CN.4/1990/26) that respect for human rights and dialogue for peace are fundamental components of the policy of the Government of El Salvador, although he points out that that policy has not yet yielded the desired results,

Recalling that, since 1980, the General Assembly has been expressing its deep concern at the situation of human rights in El Salvador, as stated in its resolution 44/165 of 15 December 1989,

Bearing in mind its resolution 32 (XXXVII) of 11 March 1981, in which it decided to appoint a Special Representative on the situation of human rights in El Salvador, and subsequent resolutions on this question, including resolution 1989/68 of 8 March 1989, whereby it extended the mandate of the Special Representative for another year,

Considering that the continuing armed conflict in El Salvador is of a non-international character and that the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II of 1977 thereto,

Alarmed that, despite the encouraging signs that emerged from the meetings which were held at Mexico City and San José (Costa Rica) in September and October 1989, with the participation of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the worsening of the conflict and the resurgence of violence have seriously affected the enjoyment of human rights and fundamental freedoms of the Salvadorian people,

Deeply concerned that, as indicated by the Special Representative in his report and in the relevant paragraphs of the reports of the Special Rapporteur on Torture (E/CN.4/1990/17) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13), the number of serious and even mass violations of human rights committed for political motives is continuing to rise and that, in particular, there has been a recrudescence of torture, detentions and summary executions have increased, and disappearances, abductions, attacks on the economic infrastructure and breaches of the humanitarian standards applicable to warfare have continued,

Highly indignant at the mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces,

Concerned that, in the context of the Salvadorian conflict, the Special Representative indicates in his report that numerous sources continue to ascribe responsibility for summary executions and other grave human rights violations to the so-called death squads,

Also concerned that, in the context of the Salvadorian conflict, the Special Representative draws attention in his report to the occurrence of indiscriminate actions in towns and cities, resulting in deaths and injuries to civilians, carried out by the Frente Farabundo Martí para la Liberación Nacional, and to actions by violent commandos independent of the Frente,

Regretting that there has been a disturbing increase in attacks and threats against various members of the ecclesiastical hierarchy, numerous leaders, members and headquarters of political, trade union and peasant organizations, relatives of members of the armed forces and civil servants and their relatives,

Observing that legal proceedings have been instituted in respect of some summary executions, including that of the members of the Central American University, but that there has been no progress in the case of the murder of Monsignor Romero in 1980 and that there is an urgent need to find and punish those responsible for many other recent human rights violations, such as the murders of the Minister of the Office of the President, the Government Attorney and high-ranking political leaders and the fatal mass attack against a trade union federation,

Convinced that fulfilment of the commitments assumed by the Government of El Salvador in the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and in the joint declarations of the five Central American Presidents, made at Alajuela (Costa Rica), Costa del Sol (El Salvador), Tela (Honduras) and San Isidro de Coronado (Costa Rica), provide the necessary framework for the promotion, respect and realization of human rights and fundamental freedoms and will contribute decisively to encouraging the democratization and strengthening of the peace process in the region,

Noting with appreciation that, on the basis of Security Council resolution 637 (1989) of 27 July 1989, the Secretary-General has begun to lend his good offices to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional with a view to the resumption and successful conclusion of the process of dialogue,

Aware that the process of pursuing a political solution to the Salvadorian conflict can be cut short if external forces do not support the achievement of fair and lasting agreements but instead seek in any way to intensify or prolong the armed conflict, with ensuing grave effects on the situation of human rights and economic recovery in El Salvador,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador and supports the recommendations contained therein (E/CN.4/1990/26);

2. Expresses its serious concern at the increase in the number of grave, politically motivated violations of human rights, such as summary executions, torture and abductions, and at the persistence of enforced disappearances;

3. Also expresses its deepest concern at the worsening of the armed conflict, particularly in November 1989, which led to a fresh outbreak of violence, bombings and the indiscriminate use of heavy weapons in densely populated areas, causing numerous civilian casualties and substantial damage;

4. Also expresses its serious concern at the systematic attacks on the economic infrastructure, which severely impair the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

5. Condemns the murder of the Rector and seven other members of the Central American University, acknowledges that the Government of El Salvador has brought several persons suspected of perpetrating this abominable crime before the courts and hopes that it will continue to investigate this crime in order that all the culprits may be punished;

6. Regrets the fact that the so-called death squads in El Salvador are continuing to commit serious human rights violations with impunity;

7. Expresses, furthermore, its deep concern that the indiscriminate actions by the Frente Farabundo Martí para la Liberación Nacional in towns and cities, as well as the actions by violent commandos independent of the Frente, also represent serious and unpunished violations of human rights;

8. Also expresses its deep concern at the continued unsatisfactory capacity of the judicial system, despite the efforts of the Government of El Salvador to determine the responsibility of persons committing serious violations of human rights, and therefore urges the competent authorities to hasten the adoption of the reforms and measures necessary for ensuring its efficiency;

9. Calls upon the Government of El Salvador, the Frente Farabundo Martí para la Liberación Nacional and all the political powers, agencies and forces in the country to take immediate measures, as recommended by the Special Representative, to put an end to attempts on human life, integrity and dignity, both in non-combat situations and in or as a result of combat;

10. Requests the parties to the conflict to guarantee respect for the humanitarian standards applicable to non-international armed conflicts such as that in El Salvador, especially to protect the civilian population, the war-wounded and persons deprived of their freedom for reasons connected with the conflict and to co-operate with humanitarian organizations engaged in alleviating the suffering of the civilian population wherever such organizations operate in the country and in no circumstances to penalize medical and health personnel for carrying out their activities;

11. Offers its full support to the good offices mission of the Secretary-General with a view to achieving the resumption and successful conclusion of the dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the basis of Security Council resolution 637 (1989);

12. Strongly appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to use the good offices of the Secretary-General to endeavour to achieve, as rapidly as possible, a negotiated political solution to the armed conflict that will encourage the existence and

strengthening of a democratic, pluralist and participatory process involving the promotion and respect of human rights of the Salvadorian people, in particular the right freely to choose its own political, economic and social system without external interference of any kind;

13. Reiterates its appeal to all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the armed conflict, to encourage the conclusion of a just and lasting peace;

14. Repeats its request that the bodies and organizations of the United Nations on the basis of General Assembly resolution 44/165 and Commission on Human Rights resolution 1989/68, should provide such advice and assistance to improve the promotion and protection of human rights and fundamental freedoms as the Government of El Salvador may request from them;

15. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict, and urges the competent authorities to make every effort to ensure that such persons are assisted in respect of their most basic needs and to prevent acts of violence against them or their settlements;

16. Decides to consider at its forty-seventh session the situation of human rights in El Salvador and the mandate of the Special Representative, taking account of developments in the situation of human rights in that country;

17. Decides to extend the mandate of the Special Representative for another year and requests him to submit his report on further developments in the situation of human rights in El Salvador through the Economic and Social Council to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/78. Situation of human rights in Chile

The Commission on Human Rights.

Guided by the purposes and principles of the Charter of the United Nations and bearing in mind the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights, wherever they occur,

Noting the obligation of the Government of Chile to respect and protect human rights and fundamental freedoms in accordance with the international instruments to which Chile is a party,

Recalling that the concern of the international community at the serious situation of human rights and fundamental freedoms in Chile has been expressed by the General Assembly and by the Commission on Human Rights in many resolutions since 1974,

Regretting that, despite the improvement in the situation of human rights in Chile, the military Government has failed to act on a number of the recommendations contained in all the reports prepared on this topic and has also issued many laws consolidating an institutional legal framework harmful to respect for human rights and fundamental freedoms,

Bearing in mind that, in these circumstances, as pointed out by the Special Rapporteur, Mr. Fernando Volio Jiménez, in his report (E/CN.4/1990/5, para. 28), much remains to be done if Chilean society is to enjoy a reliable system of judicial protection of fundamental freedoms and human rights, especially as a result of the heavy institutional burden which will be taken over by the Government-elect,

Also bearing in mind the will expressed by the people of Chile in the recent electoral process which has led to the restoration of civilian power in the political leadership of the country and sharing its trust in the commitment made by the future Chilean authorities to restore the full enjoyment of human rights and fundamental freedoms,

Aware that the continuous concern of the United Nations at the situation of human rights in Chile made for the establishment of the international conditions necessary for Chile's return to democracy,

1. Takes note with appreciation of the report by the Special Rapporteur (E/CN.4/1990/5) and thanks him for his valuable co-operation since 1985 in the international monitoring of the human rights situation of the Chilean people;

2. Also expresses its appreciation to the Ad Hoc Working Group, the Experts and the Special Rapporteurs, Mr. Abdoulaye Diéye and Mr. Rajsoomer Lallah, who contributed to the work done for 16 years by the international community to restore human rights in Chile;

3. Notes with satisfaction the improvement in the situation of human rights in Chile, as described by the Special Rapporteur in his report;

4. Deeply regrets that, despite the many recommendations by the international community to the military Government of Chile, the following are still pending:

(a) Judicial and administrative identification and punishment of the persons responsible for crimes, disappearances, torture, persecution, intimidation and other forms of cruel, inhuman and degrading treatment, as well as the situation of persons in custody on political grounds;

(b) A return to normal of the administration of justice, especially in regard to a reform of the system of military justice and a review of the decision by the military courts;

(c) A review of the rules whereby persons committing serious violations of human rights are granted impunity;

5. Takes note of the decision adopted by the Military Government Junta to disband the National Information Agency and expresses its trust that the Agency's archives will be kept at the disposal of the courts of justice and the authorities of the Government-elect;

6. Notes with satisfaction the commitment made by the Government-elect to carry out the efforts necessary to secure a full return to normal of the traditional democratic legal system which was affected, from 1973 onwards, as a result of an enforced system of institutions which made for more than 16 years of serious and systematic infringements of national and international standards on human rights;

7. Welcomes the commitment made by the Government-elect to bring Chile fully into the international human rights system established by the United Nations and thus to continue to follow up known unresolved cases and any others which emerge from inquiries conducted by the bodies in the system;

8. Decides that the present Chilean democratic process and management by the Government-elect will make for the restoration of the rule of law based on full enjoyment of human rights and fundamental freedoms, not to renew the mandate of the Special Rapporteur, as from the time the Government-elect takes office;

9. Requests the Government-elect of Chile to report, at a special meeting of the forty-seventh session of the Commission, on the follow-up to the recommendations adopted by the United Nations up to 11 March 1990 in connection with the restoration in Chile of the human rights and fundamental freedoms with which it will have been able to deal.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/79. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Taking note of the appreciation expressed by the Special Representative of the Commission for the co-operation of the Government of the Islamic Republic of Iran,

Taking note also that the report of the Special Representative (E/CN.4/1990/24) marks a major development in the fulfilment of the mandate of the Special Representative and has opened up further possibilities of communications on a high level,

Concerned that allegations about violations of human rights and fundamental freedoms are still being received,

Noting the findings of the Special Representative on the situation of the Bahai's in the Islamic Republic of Iran,

1. Takes note with appreciation of the report of the Special Representative of the Commission, which was prepared after a visit to the country, and the conclusions and recommendations contained therein;
2. Welcomes the decision of the Government of the Islamic Republic of Iran to invite the Special Representative to visit that country and the co-operation provided by the Government of the Islamic Republic of Iran in the course of the visit, as well as its commitment to continue the co-operation;
3. Welcomes also the invitation of the Government of the Islamic Republic of Iran extended to the Special Representative for a further visit to the country;
4. Takes note of the view of the Special Representative that the Commission should continue to monitor the human rights situation in the Islamic Republic of Iran in order to broaden his study, to go deeper into certain situations, and to listen to many persons who could not see the Special Representative as a result of the short duration of his stay in the Islamic Republic of Iran;

5. Endorses the opinion of the Special Representative that the Government of the Islamic Republic of Iran continue to provide the Special Representative with replies to all allegations of human rights violations that have been transmitted to it;
6. Notes that the Special Representative, as in earlier reports, condemns terrorism in all its forms, whatever the motive, pretext or aim, and that during his visit to the Islamic Republic of Iran, he received ample official and private information about the disastrous effects of this kind of activity;
7. Expresses its concern that testimony gathered by the Special Representative reiterated complaints about unlawful executions, torture, substitute prisoners, imprisonment beyond the period specified in the sentence, spontaneous decisions by low-ranking officials and the absence of council for defence as well as restrictions on the right to assemble, and recognizes that testimony was also gathered representing the opposite and thus two different kinds of personal experience and view were received;
8. Recognizes that the Special Representative rules out allegations that political prisoners had been executed under false charges of drug trafficking, unless specific proof is submitted to him in this regard;
9. Welcomes the clemency measures taken by the Government of the Islamic Republic of Iran;
10. Notes the receptiveness of the Government of the Islamic Republic of Iran to some criticisms in earlier reports by the Special Representative and encourages the Government of the Islamic Republic of Iran to respond to the recommendations contained in the reports of the Special Representative;
11. Welcomes the favourable reception by the Government of the Islamic Republic of Iran to the suggestions made by the Special Rapporteur, namely that the International Committee of the Red Cross be permitted to make regular visits to prisons throughout the Islamic Republic of Iran in order to ascertain the conditions of imprisonment, and in particular to look into the situation of political prisoners; that there be a programme, or study, to identify clashes or inconsistencies between Islamic law and international law, particularly internationally recognized human rights; that consideration be given to requests transmitted by the Special Representative on purely humanitarian grounds; and that the possibility of technical assistance from the United Nations in the field of human rights be examined;
12. Encourages the Islamic Republic of Iran to comply with international instruments on human rights, including the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction enjoy the rights recognized in these instruments;

13. Decides to extend the mandate of the Special Representative, as contained in its resolution 1984/54 of 14 March 1984, for a further year;

14. Requests the Special Representative to submit an interim report to the General Assembly at its forty-fifth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Bahai's, and a final report to the Commission at its forty-seventh session;

15. Requests the Secretary-General to give all necessary assistance to the Special Representative;

16. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran as a matter of priority at its forty-seventh session.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/80. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolution 1989/74 of 8 March 1989,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/6 of 31 August 1989,

Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1990/45 and Add.1),

Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and the reports of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22 and Corr.1 and Add.1) and of the Special Rapporteur on torture (E/CN.4/1990/17),

Taking into account the fact that the constitutional Government of Guatemala has made efforts to guarantee the full application of human rights and fundamental freedoms and promote the process of democratic consolidation, and is to hold general elections in October 1990,

Taking note of the fact that the Procurator for Human Rights, with the support of the Government of Guatemala, has decided to expand and strengthen his functions by, inter alia, establishing an investigation department and departmental offices throughout Guatemala and expanding his procuratorial functions before the courts,

Seriously concerned, however, that the Government has not been able to control the persistent climate of violence in Guatemala, which has worsened and in which serious violations of human rights are still occurring,

Deeply disturbed also by the activities of the so-called death squads which are deemed responsible for disappearances and murders,

Deeply concerned also by the serious shortcomings as regards respect for economic, social and cultural rights,

Disturbed by the serious situation faced since time immemorial by the indigenous populations, who have been subjected to discrimination and exploitation, as well as to serious violations of their human rights and fundamental freedoms,

Taking note of the fact that the advisory services have helped to create an awareness of the importance of promoting and protecting human rights and fundamental freedoms,

Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the Government's efforts in that direction,

1. Expresses its gratitude to the Expert for the work done during his term of office and thanks him for his report and the recommendations contained therein (E/CN.4/1990/45, sect. VII);

2. Expresses its appreciation also to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and co-operation afforded to the Expert;

3. Recognizes that, while the Government of Guatemala has upheld its commitment to guaranteeing the protection of fundamental rights and freedoms, it has been unable to implement the decision with sufficient authority, so that the social violence and violations of human rights have continued;

4. Supports, therefore, the recommendation by the Expert that the programme of assistance and advisory services in the field of human rights should be continued and strengthened;

5. Urgently appeals to the Government of Guatemala to continue to accord priority to its undertaking under the Esquipulas II agreement and to promote and participate more actively in the national reconciliation dialogue as one of the ways of consolidating the democratic process;

6. Deeply deplors the increase in murders, kidnappings and attacks on and threats against persons involved in political activities as jeopardizing the democratization process;

7. Expresses its profound concern at the resurgence of the criminal activities of the so-called death squads, as indicated in the report of the Special Rapporteur on torture (E/CN.4/1990/17, paras. 177 and 178);

8. Deplores, in particular, the recent murders of a member of the National Revolutionary Movement Party of El Salvador, Secretary for Latin America of the Socialist International, and of a Guatemalan lawyer, on 12 January 1990 in Guatemala, and requests the Government of Guatemala to continue and strengthen the investigation already under way, with a view to identifying and punishing the culprits;

9. Requests the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

10. Urges the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

11. Further urges the Government of Guatemala to promote any measures necessary to identify and punish members of death squads;

12. Encourages the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

13. Requests the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process, and promote a human rights culture;

14. Requests the Secretary-General to appoint an independent expert as his representative to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights who, within the framework of his mandate, shall prepare a report with appropriate recommendations for submission to the Commission at its forty-seventh session;

15. Decides to consider the question at its forty-seventh session under an item of the agenda to be determined in the light of the above-mentioned report and of the situation of human rights and fundamental freedoms in Guatemala.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/81. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the numerous international instruments concerning the administration of justice which have been adopted by the General Assembly, including the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Independence of the Judiciary, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Aware of the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become States parties to its Optional Protocols,

Mindful of the prohibition under article 6 of the International Covenant on Civil and Political Rights of the imposition of the death penalty for crimes committed by persons below 18 years of age,

Noting that the United Nations system continues to give special attention to the elaboration of standards in this field, as mandated by the Economic and Social Council in its resolution 1986/10 of 21 May 1986,

Mindful also of Economic and Social Council resolution 1989/63 of 24 May 1989 on implementation of United Nations standards and norms in crime prevention and criminal justice,

Expressing the need for further intensified co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs regarding human rights in the administration of justice,

Mindful further of the principles contained in General Assembly resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Guided by General Assembly resolution 44/162 of 15 December 1989 on human rights in the administration of justice,

Recalling its resolution 1989/24 of 6 March 1989,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call upon all States to spare no effort in providing for effective legislative and other mechanisms and procedures as well as adequate resources to ensure more effective implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988, for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Emphasizes the importance of appropriate education and public information programmes in the field of human rights which would be geared particularly to those responsible for the administration of justice, and requests the Secretary-General to provide for appropriate action within the framework of the World Public Information Campaign for Human Rights;

7. Takes note of the note by the Secretary-General on the feasibility of drafting model texts for national legislation or other measures for the effective implementation of standards relating to human rights in the administration of justice (E/CN.4/1990/12);

8. Invites the Secretary-General to establish a consolidated list of provisions in the various United Nations standards in this field relevant for the drafting of such model texts;

9. Also invites the Secretary-General to forward this list, together with the comments solicited in accordance with General Assembly resolution 44/162, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session;

10. Requests the Secretary-General to inform the Commission at its forty-seventh session on the decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relevant to human rights in the field of the administration of justice;

11. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study, taking these comments into account, the implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission;

12. Also invites the Sub-Commission to consider the elaboration of model texts for national legislation in this field and to report thereon to the Commission at its forty-seventh session;

13. Decides to consider the question of human rights in the administration of justice at its forty-seventh session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

54th meeting
7 March 1990

[Adopted without a vote. See chap. X.]

B. Decisions

1990/101. Organization of work

At its 1st meeting, on 29 January 1990, the Commission decided, without a vote, to delete item 5 of the provisional agenda for its forty-sixth session and to take up the question and the report prepared thereon under item 12 of the agenda as adopted.

[See chap. III.]

1990/102. Organization of work

At its 2nd meeting, on 30 January 1990, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 5: Mr. L.M. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(b) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(c) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Mr. F. Ermatoro, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile; Mr. J. Voyame, Special Rapporteur on the situation of human rights in Romania; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; and experts and representatives of States in respect of which situations were being considered under item 12 (b);

(e) In connection with item 19: Mr. F. Yimer, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of its Working Group on Situations;

(f) In connection with item 22: Mr. H. Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala; Mr. P. Texier, Expert appointed by the Secretary-General on the situation in Haiti;

(g) In connection with item 23: Mr. A.V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance.

[See chap. III.]

1990/103. Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 38th meeting, on 23 February 1990, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/19 of 31 August 1989, decided, by 39 votes to 1, with 2 abstentions, to recommend to the Economic and Social Council that the final

report of the Special Rapporteur, Mr. Asbjørn Eide, entitled "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination" (E/CN.4/Sub.2/1989/8 and Add.1), be published and distributed on as wide a scale as possible.

[See chap. XVI.]

1990/104. Question of human rights in Cyprus

At its 44th meeting, on 28 February 1990, the Commission decided, without a vote, that the debate under agenda sub-item 12 (a) "Questions of human rights in Cyprus" should be postponed to the forty-seventh session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1990/105. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities.

At its 52nd meeting, on 6 March 1990, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/44 of 1 September 1989, endorsed the decision of the Sub-Commission to entrust Mr. Asbjørn Eide with the task of preparing a study of national experience in the protection of minorities, and decided to request the Secretary-General to give Mr. Eide all the assistance which may be necessary for the completion of this task.

[See chap. XX.]

1990/106. Situation in China

At its 52nd meeting, on 6 March 1990, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 17 to 15, with 11 abstentions, to take no decision on draft resolution E/CN.4/1990/L.47.

[See chap. XII.]

1990/107. Consideration, by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of the report on the practice of administrative detention

At its 53rd meeting, on 7 March 1990, the Commission, noting that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had, owing to lack of time, been unable to consider the report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1989/27), pursuant to Commission resolution 1989/38 of 6 March 1989, and had therefore decided, in decision 1989/111 of 1 September 1989, to examine it as a matter of high priority at its

forty-second session, decided, without a vote, to invite once again the Sub-Commission to make any proposals it deemed necessary and to continue the consideration of the question at its forty-seventh session, under the agenda item "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session".

[See chap. XIX.]

1990/108. Right to a fair trial

At its 53rd meeting, on 7 March 1990, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/27 of 1 September 1989, welcomed the decision of the Sub-Commission to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial and requested the Sub-Commission to consider the report, at its forty-second session, directly under the agenda sub-item 10 (d) "Administration of justice and the human rights of detainees: the right to a fair trial".

[See chap. XIX.]

1990/109. Traditional practices affecting the health of women and children

At its 53rd meeting, on 7 March 1990, the Commission:

(a) taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/16 of 31 August 1989, approved, without a vote, the recommendations of the Sub-Commission that:

- (i) The mandate of the Special Rapporteur, Mrs. Halima Embarek Warzazi, be extended for two years so as to enable her to present a more complete report;
- (ii) Field missions be undertaken by Mrs. Warzazi, if possible to two countries where harmful traditional practices are prevalent;
- (iii) International regional seminars be held on the subject of harmful traditional practices in Africa and Asia;
- (iv) All efforts be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and the economic and social commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the preliminary report (E/CN.4/Sub.2/1989/42 and Add.1);
- (v) The subject of traditional practices be on the agenda of the Sub-Commission for sustained follow-up;

(b) Took note of the decision on traditional practices taken by the Committee on the Elimination of Discrimination against Women at its ninth session under article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, and requested that the Special Rapporteur conduct her work in close consultation with the Committee.

[See chap. XIX.]

1990/110. World conference on human rights

At its 54th meeting, on 7 March 1990, the Commission, recalling General Assembly resolution 44/156 of 15 December 1989, decided, without a vote, that it would be desirable to convene a world conference on human rights for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights.

[See chap. XI.]

1990/111. Human rights monitoring mechanisms established within the United Nations framework

At its 54th meeting, on 7 March 1990, the Commission decided, without a vote, to postpone to its forty-seventh session the consideration of draft resolution I that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had recommended for its adoption (E/CN.4/1990/2, chap. I, sect. A).

[See chap. XI.]

1990/112. In-depth evaluation of the human rights programme

At its 54th meeting, on 7 March 1990, the Commission decided, without a vote, to take note of the report of the Secretary-General on the in-depth evaluation of the human rights programme (E/AC.51/1989/2) and requested that the Secretary-General bring the report to the attention of all relevant areas of the United Nations, in particular the Centre for Human Rights, to consider appropriate action in consultation with Member States, relevant intergovernmental organizations and the specialized agencies.

[See chap. XI.]

1990/113. International Year for the World's Indigenous People

At its 54th meeting, on 7 March 1990, the Commission decided, without a vote, in light of the views expressed by various delegations in the course of its forty-sixth session, to recommend that the Economic and Social Council recommend that the General Assembly proclaim an International Year for the World's Indigenous People, in 1993 or another appropriate year, in accordance with established procedures governing the proclamation of international years.

[See chap. XIX.]



1990/114. Visit to Iraq

At its 54th meeting, on 7 March 1990, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 18 to 14, with 9 abstentions, to take no decision on draft decision E/CN.4/1990/L.85/Rev.1.

[See chap. XIX.]

1990/115. Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989

At its 56th meeting, on 9 March 1990, the Commission, noting the note of the Chairman of the Working Group established under agenda item 11 (E/CN.4/1990/91), requested, without a vote, the Working Group established at the forty-sixth session under agenda item 11 to formulate recommendations pursuant to General Assembly resolution 44/167, paragraph 3, of 15 December 1989 to continue its work as a sessional working group during the forty-seventh session with a view to presenting its recommendations to the Commission, and encouraged delegations to hold informal consultations among themselves on the matter.

[See chap. XI.]

1989/116. Organization of the work of the forty-seventh session

At its 56th meeting, on 9 March 1990, the Commission, taking into account its heavy schedule of work and that of its sessional working groups as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission request for additional meetings for its thirty-seventh to forty-sixth sessions, decided, without a vote: (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 30 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's forty-seventh session; and (b) to request the Chairman of the Commission at its forty-seventh session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

III. ORGANIZATION OF THE FORTY-SIXTH SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its forty-sixth session at the United Nations Office at Geneva from 29 January to 9 March 1990.
2. The session was opened (1st meeting) by Mr. Marc Bossuyt (Belgium), Chairman of the Commission at its forty-fifth session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Commission.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

C. Election of officers

4. At its 1st meeting, on 29 January 1990, the Commission elected the following officers by acclamation:

Chairman:	Mrs. Purificación V. Quisumbing (Philippines)
Vice-Chairmen:	Mr. Todor Ditchhev (Bulgaria) Mrs. Zelmira Regazzoli (Argentina) Ms. Kongit Sinegiorgis (Ethiopia)
Rapporteur:	Mr. Ross Hynes (Canada)

D. Agenda

5. At its 1st meeting, on 29 January 1990, the Commission had before it the provisional agenda for the forty-sixth session (E/CN.4/1990/1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its forty-fifth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).
6. At the same meeting, the representative of Peru made a proposal to amend the provisional agenda. The Observer for Ireland made a statement on behalf of the European Economic Community, seconding the proposal made by the representative of Peru. The proposal made by the representative of Peru was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1990/101.

7. The agenda, as amended, was adopted without a vote. The items of the agenda of the forty-sixth session of the Commission were renumbered accordingly. The agenda, as adopted, is given in annex II below.

8. At the same meeting, the representative of China made a statement concerning the agenda as adopted.

E. Organization of work

9. At its 2nd meeting, on 30 January 1990, the Commission considered the organization of its work.

10. At the same meeting, it took note that, as indicated in the annotated agenda under item 11, a request had been made by the General Assembly in paragraph 3 of its resolution 44/167 of 15 December 1989. Subsequently, following informal consultations, a working group was set up to convene as an informal open-ended working group for a maximum of three meetings and then to convert into a limited working group.

11. At the same meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 5: Mr. L.M. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(b) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(c) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile; Mr. J. Voyame, Special Rapporteur on the situation of human rights in Romania; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; and experts and representatives of States in respect of which situations were being considered under item 12 (b);

(e) In connection with item 19: Mr. F. Yimer, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and of its Working Group on Situations;

(f) In connection with item 22: Mr. H. Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala; Mr. P. Texier, Expert appointed by the Secretary-General on the situation in Haiti;

(g) In connection with item 23: Mr. A.V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance.

12. For the text of the decision, see chapter II, section B, decision 1990/102.

13. At the same meeting, bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers to the effect that the following items should be considered concurrently: items 4 and 9; items 5, 6, 15 and 16; items 7, 8, 17 and 18; items 13 and 21. The Commission further agreed to consider the items on its agenda in the following order: 4, 9; 5, 6, 15, 16; 7, 8, 17, 18; 23; 10; 12; 22; 19; 11; 20; 24; 13, 21; 25; 26; 27.

14. The Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or to two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely a limitation of two replies, 5 minutes for the first and 3 minutes for the second, would be observed.

15. At the same meeting, the Chairman read a letter dated 29 January 1990, addressed to her from the Secretary-General, concerning Commission decision 1989/113 entitled "Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106".

16. At the 56th meeting, on 9 March 1990, the representative of the United Kingdom of Great Britain and Northern Ireland orally proposed a draft decision.

17. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of the draft decision.

18. The draft decision was adopted without a vote.

19. For the text as adopted, see chapter II, section B, decision 1990/116.

F. Meetings, resolutions and documentation

20. The Commission held 56 meetings, of which 13 were extended to the equivalent of 13 additional meetings. Meetings were also held by the working groups established by the Commission; these were equivalent to 17 additional meetings.

21. The resolutions and decisions adopted by the Commission at its forty-sixth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

22. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

23. Annex IV contains a list of documents issued for the forty-sixth session of the Commission.

G. Visits

24. At the 5th meeting, on 1 February 1990, the Second Vice-President of Sudan, Colonel Al Amin Khalifa, addressed the Commission.

25. At the 6th meeting, on 1 February 1990, the Minister for Foreign Affairs of Cyprus, Mr. Georges Iacovou, addressed the Commission.

26. At the 7th meeting, on 2 February 1990, the Minister for Foreign Affairs of Ireland, Mr. Gerard Collins, addressed the Commission on behalf of the European Economic Community and its 12 member States.

27. At the 11th meeting, on 6 February 1990, the Secretary for Foreign Affairs of the Philippines, Mr. Raúl S. Manglapus, addressed the Commission.

28. At the 11th meeting, on 6 February 1990, the Minister for Foreign Affairs of the Netherlands, Mr. Hans van den Broek, addressed the Commission.

29. At the 12th meeting, on 6 February 1990, the Minister for Foreign Affairs of Austria, Mr. Alois Mock, addressed the Commission. At the same meeting, the representative of Cuba made a statement in right of reply.

30. At the 12th meeting, on 6 February 1990, the President of Poland, General Wojciech Jaruzelski, addressed the Commission.

31. At the 22nd meeting, on 13 February 1990, the Parliamentary Under-Secretary for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, Mr. Tim Sainsbury, addressed the Commission.

32. At the 36th meeting, on 22 February 1990, the United Nations High Commissioner for Refugees, Mr. Thorvald Stoltenberg, addressed the Commission.

33. At the 37th meeting, on 23 February 1990, the Secretary of State for Foreign Affairs of Hungary, Mr. Ferenc Somogyi, addressed the Commission.

34. At the 46th meeting, on 1 March 1990, the Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Mr. Anatoly Adamishin, addressed the Commission.

35. At the 47th meeting, on 2 March 1990, the Minister for Foreign Affairs of Guatemala, Mr. Ariel Rivera-Irias, addressed the Commission.

36. At the 55th meeting, on 9 March 1990, the Chairman of the African Commission on Human and Peoples Rights, Mr. U. Oji Umozirike, addressed the Commission.

H. Other matters

37. At its 1st meeting, on 29 January 1990, the Commission observed one minute of silence in tribute to the late Andrei Sakharov.

38. At the 10th meeting, on 5 February 1990, the Observer of Democratic Kampuchea made a statement, announcing that it was henceforth renamed Cambodia.

39. At the 19th meeting, on 12 February 1990, the Chairman of the Commission made a statement concerning the release of Mr. Nelson Mandela in South Africa on 11 February 1990.

40. At the 28th meeting, on 16 February 1990, the Chairman of the Commission made a statement concerning the ongoing situation in East Beirut, Lebanon.

41. On 22 February 1990, the Commission held special closed meetings (E/CN.4/1990/SR.35/Add.1 and E/CN.4/1990/SR.36/Add.1) in implementation of a confidential resolution adopted by it at its forty-fifth session under agenda item 12 (b). In this connection, reference is made to document E/CN.4/1990/79, listed in chapter XI of the present report.

42. At the 40th meeting, on 26 February 1990, the representative of Italy made a statement in tribute to the late Sandro Pertini, former President of Italy.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

43. The Commission considered agenda item 4, concurrently with item 9 (see chap. IX), at its 2nd to 10th meetings, held from 30 January to 5 February 1990, and at its 28th meeting, held on 16 February 1990. 2/

44. The Commission had before it the following documents:

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: note by the Secretary-General (in pursuance of General Assembly resolution 43/58A) (A/44/352);

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: note by the Secretary-General (in pursuance of General Assembly resolution 43/58A) (A/44/599);

Report of the Secretary-General (E/CN.4/1990/3);

Note by the Secretary-General (E/CN.4/1990/4);

Letter dated 18 September 1989 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/59);

Note by the Secretariat conveying one of the three documents which the Permanent Representative of Viet Nam to the United Nations Office at Geneva requested to circulate, by letters dated 19 and 30 January 1990 (E/CN.4/1990/64);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/14);

Written statement submitted by the International League for the Rights and the Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1990/NGO/21);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/22);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/36).

45. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (6th), Bangladesh (2nd), Belgium (6th), Brazil (6th), Bulgaria (4th), Canada (5th), China (5th), Cuba (4th), Cyprus (6th), France (5th), Ghana (6th), Hungary (5th), India (3rd), Iraq (8th), Italy (4th), Japan (5th), Madagascar (6th), Morocco (4th), Nigeria (4th), Pakistan (4th), Philippines (6th), Portugal (4th), Senegal (6th), Somalia (8th), Spain (5th), Sri Lanka (5th), Sweden (5th), Ukrainian Soviet Socialist Republic (5th), United Kingdom of Great Britain and Northern Ireland (5th), Union of Soviet Socialist Republics (4th), United States of America (6th), Yugoslavia (4th).

46. The Commission also heard statements by the observers for: Algeria (6th), Austria (4th), Bahrain (4th), Czechoslovakia (5th), Democratic Yemen (8th), Egypt (3rd), German Democratic Republic (4th), Greece (7th), Indonesia (7th), Iran (Islamic Republic of) (9th), Ireland (6th), Israel (7th), Jordan (2nd), Kuwait (2nd), Libyan Arab Jamahiriya (6th), Nicaragua (7th), Oman (3rd), Qatar (8th), Syrian Arab Republic (2nd), Tunisia (6th), Turkey (4th), United Arab Emirates (3rd), United Republic of Tanzania (9th), Yemen (6th).

47. A statement was made by the Observer for Palestine (2nd).

48. The Commission also heard statements by the following non-governmental organizations: Arab Organization for Human Rights (8th), International Commission of Jurists (3rd), International Organization for the Elimination of All Forms of Racial Discrimination (9th), Pax Romana (10th), Union of Arab Jurists (8th), World Confederation of Labour (8th), World Union for Progressive Judaism (3rd), World University Service (8th).

49. Statements equivalent to right of reply were made by the observers for Egypt (10th), Israel (10th) and Jordan (4th).

50. At its 28th meeting, on 16 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

51. The Observer for Ireland introduced draft resolution E/CN.4/1990/L.4, sponsored by Belgium, Denmark*, Egypt*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Japan, Luxembourg*, Morocco, the Netherlands*, New Zealand*, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Austria*, Lebanon*, Turkey* and the Union of Soviet Socialist Republics subsequently joined the sponsors.

52. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.4. The draft resolution was adopted by 42 votes to none, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India, Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: None.

Abstaining: United States of America.

53. Statements in explanation of vote after the vote were made by the representatives of Brazil, Peru, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

54. For the text as adopted, see chapter II, section A, resolution 1990/1.

55. At the same meeting, the representative of Madagascar introduced two draft resolutions, A and B (E/CN.4/1990/L.6), sponsored by Algeria*, Bahrain*, Bangladesh, China, Cuba, Democratic Yemen*, Egypt*, Gambia, Ghana, India, Iraq, Jordan*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sri Lanka, Sudan*, the Syrian Arab Republic*, Tunisia*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates* and Yemen*. Afghanistan*, Angola*, Nicaragua* and Yugoslavia subsequently joined the sponsors.

56. The representative of Madagascar orally revised operative paragraphs 3 and 6 of draft resolution A (E/CN.4/1990/L.6), as follows: the words "occupied Palestine" were replaced by the words "the Palestinian and other occupied Arab territories".

57. At the request of the representative of the United States of America, a separate vote was taken on draft resolution A. The draft resolution, as orally revised, was adopted by 38 votes to 1, with 1 abstention.

58. For the text as adopted, see chapter II, section A, resolution 1990/2 A.

59. At the request of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on operative paragraph 1 of draft resolution B (E/CN.4/1990/L.6).

60. Operative paragraph 1 was adopted by 43 votes to none. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India, Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

61. The representative of the United States of America requested a vote on operative paragraph 2 of draft resolution B.

62. A statement in explanation of vote before the vote was made by the representative of the United States of America.

63. Operative paragraph 2 was adopted by 32 votes to 10, with 1 abstention.

64. At the request of the representative of Cuba, a roll-call vote was taken on draft resolution B as a whole, which was adopted by 32 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

65. Statements in explanation of vote after the vote on resolutions 1990/2 A and B were made by the representatives of Canada, Peru and the United Kingdom of Great Britain and Northern Ireland. A statement in explanation of vote after the vote on resolution 1990/2 B was made by the representative of Mexico.

66. For the text as adopted, see chapter II, section A, resolution 1990/2 B.

67. At the same meeting, the representative of Bangladesh introduced draft resolution E/CN.4/1990/L.13, sponsored by Algeria*, Cuba, Bahrain*, Bangladesh, the Byelorussian Soviet Socialist Republic*, Democratic Yemen*, Egypt*, India, the Islamic Republic of Iran*, Iraq, Jordan*, Kuwait*, the Libyan Arab Jamahiriya*, Mauritania*, Morocco, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sudan*, the Syrian Arab Republic*, Tunisia*, Ukrainian Soviet Socialist Republic, the United Arab Emirates*, Union of Soviet Socialist Republics, Yemen* and Yugoslavia. Afghanistan*, Angola*, Cyprus, Gambia, Lebanon*, Nicaragua* and the United Republic of Tanzania* subsequently joined the sponsors.

68. At the request of the United States of America, a vote was taken on draft resolution E/CN.4/1990/L.13. The draft resolution was adopted by 42 votes to 1.

69. Statements in explanation of vote after the vote were made by the representatives of Brazil, Peru, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

70. For the text as adopted, see chapter II, section A, resolution 1990/3.

71. The Observer for the Syrian Arab Republic made a statement on the resolutions adopted under agenda item 4.

72. The Observer for Palestine also made a statement.

V. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

73. The Commission considered agenda item 5 concurrently with items 6, 15 and 16 (see chaps. VI, XV and XVI) at its 10th to 16th meetings, held from 5 to 8 February 1990, at its 34th meeting, held on 21 February, and at its 38th and 42nd meetings, held on 23 and 27 February 1990. 2/

74. The Commission had before it the following documents:

Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa and Namibia (E/CN.4/1990/6);

Interim report of the Ad Hoc Working Group of Experts on southern Africa prepared in accordance with Commission on Human Rights resolutions 1989/3 and 1989/5 and Economic and Social Council decision 1989/136 (E/CN.4/1990/7 and Add.1);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/13);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/16);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/30).

75. At the 10th meeting, on 5 February 1990, Mr. Leliel Mikuin Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the Group's report (E/CN.4/1990/7).

76. At the 34th meeting, on 21 February 1990, Mr. Balanda also introduced the Group's report on its visit to Namibia (E/CN.4/1990/7/Add.1).

77. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (13th), Belgium (12th), Botswana (11th), Brazil (15th), Bulgaria (13th), Canada (13th), China (14th), Cuba (15th), Cyprus (15th), Ethiopia (15th), France (13th), Ghana (14th), Hungary (13th), India (11th), Iraq (14th), Italy (12th), Japan (15th), Madagascar (13th), Mexico (15th), Morocco (13th), Nigeria (11th), Pakistan (16th), Peru (14th), Philippines (12th), Portugal (14th), Senegal (12th), Somalia (15th), Spain (15th), Sri Lanka (15th), Sweden (12th), Union of Soviet Socialist Republics (14th), United Kingdom of Great Britain and Northern Ireland (14th), United States of America (15th), Venezuela (13th), Yugoslavia (16th).

78. The Commission also heard statements by the Observers for: Algeria (13th), Austria (12th), Bahrain (14th), Czechoslovakia (12th), Egypt (13th), German Democratic Republic (15th), Guatemala (14th), Ireland (15th), Kuwait (13th), Libyan Arab Jamahiriya (14th), Sudan (14th), Syrian Arab Republic (14th), Togo (13th), Tunisia (13th), United Republic of Tanzania (14th), Yemen (15th), Zaire (12th), Zimbabwe (14th).

79. A statement was made by the representative of the International Labour Organisation (12th).

80. A statement was also made by the Observer for the Organization for African Unity (14th).

81. A statement was also made by the Observer for the Pan Africanist Congress of Azania (10th).

82. The Commission also heard statements by the following non-governmental organizations: International Confederation of Free Trade Unions (16th), International Federation Terre des Hommes (11th), International Movement for Fraternal Union among Races and Peoples (16th), International Organization for Elimination of All Forms of Racial Discrimination (16th), World Confederation of Labour (14th), World Union for Progressive Judaism (11th), World University Services (15th).

83. At the 38th meeting, on 23 February 1990, the Commission took up consideration of draft resolutions submitted under agenda item 5.

84. The representative of Ghana introduced draft resolution E/CN.4/1990/L.18, sponsored by Algeria*, Angola*, Botswana, Burundi*, Cameroon*, China, Côte d'Ivoire*, Cuba, Egypt*, Ethiopia, Gabon*, Gambia, Ghana, Iraq, Kenya*, Liberia*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, Togo*, Tunisia*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania*, Yugoslavia, Zaire* and Zimbabwe*. India, Nicaragua* and the Syrian Arab Republic* subsequently joined the sponsors.

85. The draft resolution was adopted without a vote.

86. A statement in explanation of vote after the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

87. For the text as adopted, see chapter II, section A, resolution 1990/11.

88. At the 42nd meeting, on 27 February 1990, the Observer for the United Republic of Tanzania introduced draft resolution E/CN.4/1990/L.20, sponsored by Algeria*, Angola*, Burundi*, China, Egypt*, Ethiopia, Gambia, Ghana, India, Kenya*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*,

Nigeria, Rwanda*, Senegal, Somalia, Sudan*, Tunisia*, the United Republic of Tanzania*, Yugoslavia and Zimbabwe*. Cameroon*, Cuba, Iraq, Morocco, Nicaragua*, Peru and the Syrian Arab Republic* subsequently joined the sponsors.

89. The Observer for the United Republic of Tanzania orally revised draft resolution E/CN.4/1990/L.20 as follows:

(a) The original sixth preambular paragraph, which read: "Concerned about abductions and assassinations carried out by the South African régime against political refugees and members of the liberation movements in the neighbouring States," was replaced;

(b) The original seventh preambular paragraph, which read: "Having examined and taken notice of Mr. F.W. de Klerk's statement of 2 February 1990," was replaced;

(c) The original ninth preambular paragraph, which read: "Outraged by South Africa's acts of violence, especially the use of army, the police and murder squads in the black African townships, where killings of defenceless men, women and children are committed," was replaced;

(d) The original seventeenth preambular paragraph, which read: "Noting the recent announcement by the South African régime to rescind the ban on the African National Congress of South Africa, the Pan-Africanist Congress of Azania and other political organizations," was deleted;

(e) In operative paragraph 20, the word "significant" was inserted between the words "constituting a" and the word "step".

90. The representative of the Federal Republic of Germany requested a separate roll-call vote on operative paragraph 19 and on the phrase "and are commended to the wider international community for urgent adoption and implementation" in operative paragraph 21 together. The representative of Japan requested two separate roll-call votes on operative paragraph 19 and on the above-mentioned phrase.

91. A roll-call vote was taken on operative paragraph 19. Operative paragraph 19 was adopted by 26 votes to 8, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Bulgaria, Canada, Hungary, Spain, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

92. A roll-call vote was taken on the phrase "and are commended to the wider international community for urgent adoption and implementation" in operative paragraph 21. The last phrase in operative paragraph 21 was adopted by 31 votes to 6, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Hungary, Italy, Japan, Spain, Swaziland.

93. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution E/CN.4/1990/L.20 as a whole. The draft resolution, as orally revised, was adopted by 35 votes to 2, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, France, Germany, Federal Republic of, Italy, Japan, Portugal.

94. Statements in explanation of vote after the vote were made by the representatives of Canada, Germany, Federal Republic of, Japan, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

95. For the text as adopted see chapter II, section A, resolution 1990/26.

96. Draft resolution (E/CN.4/1990/L.90, submitted under agenda items 5 and 22, was considered under agenda item 22 (see chap. XXII).

VI. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF
POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE
GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA

97. The Commission considered agenda item 6 concurrently with items 5, 15 and 16 (see chaps. V, XV and XVI) at its 10th to 16th meetings, held from 5 to 8 February, and at its 42nd meeting, held on 27 February 1990. 2/

98. The Commission had before it the following documents:

Updated report on banks, transnational corporations and other organizations assisting the racist régime of South Africa, prepared by Mr. A. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989 and Corr.1 and Add.1);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/28).

99. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (13th), Belgium (12th), Bulgaria (13th), Canada (13th), China (14th), Cuba (15th), Ethiopia (15th), France (13th), Ghana (14th), India (11th), Iraq (14th), Madagascar (13th), Mexico (15th), Morocco (13th), Nigeria (11th), Pakistan (16th), Somalia (15th), Sri Lanka (15th), Sweden (12th), Union of Soviet Socialist Republics (14th), United Kingdom of Great Britain and Northern Ireland (14th), Venezuela (13th), Yugoslavia (16th).

100. The Commission also heard statements by the Observers for: Algeria (13th), Egypt (13th), Libyan Arab Jamahiriya (14th), Sudan (14th), Syrian Arab Republic (11th), Tunisia (13th), United Republic of Tanzania (14th), Yemen (15th).

101. A statement was also made by the Observer for the Organization of African Unity (14th).

102. A statement was also made by the World Union for Progressive Judaism (11th), a non-governmental organization.

103. At its 42nd meeting, on 27 February 1990, the Commission took up consideration of the draft resolutions submitted under item 6.

104. On 16 February 1990, a draft resolution (E/CN.4/1990/L.21) was submitted by Algeria*, Bangladesh*, Cuba, Egypt*, Ethiopia, Ghana, India, Iraq, Kenya*, the Libyan Arab Jamahiriya*, Madagascar, Morocco, Nigeria, Pakistan, Sudan*, Tunisia*, the United Republic of Tanzania* and Zimbabwe*.

105. On 21 February 1990, the draft resolution was re-issued, for a technical reason, as document E/CN.4/1990/L.21/Rev.1.

106. At the 42nd meeting, on 27 February 1990, the representative of Egypt introduced draft resolution E/CN.4/1990/L.21/Rev.1. Nicaragua* and the Syrian Arab Republic* subsequently joined the sponsors.

107. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.107) 1/ of draft resolution E/CN.4/1990/L.21/Rev.1.

108. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution E/CN.4/1990/L.21/Rev.1. The draft resolution was adopted by 31 votes to 8, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Panama, Spain, Sweden.

109. Statements in explanation of vote after the vote were made by the representatives of Japan, the Union of Soviet Socialist Republics and the United States of America.

110. For the text as adopted, see chapter II, section A, resolution 1990/22.

111. At the same meeting, the Commission considered draft resolution VII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. A).

112. The attention of the Commission was drawn to the estimate of the administrative and programme budget implications (E/CN.4/1990/2, annex II) 1/ of draft resolution VII.

113. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution VII. The draft resolution was adopted by 32 votes to 8, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Spain, Sweden.

114. A statement in explanation of vote after the vote was made by the representative of Japan.

115. For the text as adopted, see chapter II, section A, resolution 1990/23.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

116. The Commission considered agenda item 7 concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 16th to 21st meetings, held from 8 to 13 February, and at its 38th and 42nd meetings, held on 23 and 27 February 1990. 2/

117. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1990/8);

Communication dated 17 January 1990 from the Permanent Mission of Peru to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1990/66);

Realization of Economic, Social and Cultural Rights: preliminary report prepared by Mr. Danilo Türk, Special Rapporteur (E/CN.4/Sub.2/1989/19);

Written statements submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/37, E/CN.4/1990/NGO/38);

Written statement submitted by World Alliance of Young Men's Christian Associations, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/56);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization with consultative status (category II) (E/CN.4/1990/NGO/57);

Written statement submitted by the International Alliance of Women - Equal Rights, Equal Responsibilities, the International Council of Women, Zonta International, non-governmental organizations in consultative status (category I), the Arab Lawyers Union, Caritas Internationalis,

the Conference of European Churches, the International Abolitionist Federation, the International Association of Juvenile and Family Court Magistrates, the International Catholic Child Bureau, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Federation Terre des Hommes, the International League for the Rights and Liberation of Peoples, the International Movement ATD Fourth World, the Medical Women's International Association, Pax Christi, Pax Romana, the World Association of Girl Guides and Girl Scouts, the World Federation of Methodist Women, the World Movement of Mothers, the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II), the Union of Christian-Democratic Women and the World Federation of Public Health Associations, non-governmental organizations on the Roster (E/CN.4/1990/NGO/59).

118. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (20th), Belgium (19th), Canada (18th), Cuba (20th), Cyprus (20th), India (20th), Iraq (19th), Italy (20th), Mexico (21st), Morocco (20th), Nigeria (19th), Peru (16th), Philippines (17th), Portugal (19th), Spain (19th), United States of America (17th), Ukrainian Socialist Soviet Republic (17th), Swaziland (19th), Sweden (19th), Venezuela (16th), Yugoslavia (18th).

119. The Commission also heard statements by the Observers for: Algeria (20th), Australia (17th), Austria (21st), Byelorussian Soviet Socialist Republic (18th), Bolivia (20th), Czechoslovakia (17th), Ecuador (18th), German Democratic Republic (19th), Guatemala (21st), Iran (Islamic Republic of) (20th), Lebanon (17th), Libyan Arab Jamahiriya (17th), Mongolia (18th), Netherlands (18th), Romania (16th), Sudan (21st).

120. A statement was made by the Observer for the Holy See (17th).

121. A statement was also made by the representative of the International Labour Organisation (19th).

122. The Commission also heard statements by the following non-governmental organizations: Indian Council of South America (20th), International Association against Torture (17th), International Commission of Health Professionals for Health and Human Rights (17th), International Confederation of Free Trade Unions (20th), International Federation for Human Rights (17th), International Federation Terres des Hommes (18th), International Indian Treaty Council (21st), International League for the Rights and Liberation of Peoples (20th), International Movement ATD Fourth World (17th), International Movement for Fraternal Union among Races and Peoples (21st), International Organization for the Development of Freedom of Education (18th), Inter-Parliamentary Union (18th), Service, Justice and Peace in Latin America (21st), World Confederation of Labour (17th).

123. The Commission also heard a joint statement made by Pax Romana (20th) on behalf of the following non-governmental organizations: International Federation of Rural Adult Catholic Movements, Pax Christi, Pax Romana, World Union of Catholic Women's Organizations.

124. At the 21st meeting, on 13 February 1990, statements equivalent to right of reply were made by the Observers for Cambodia, Guatemala and Viet Nam.

125. At its 38th meeting, on 23 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

126. The representative of Yugoslavia introduced draft resolution E/CN.4/1990/L.23, sponsored by Yugoslavia.

127. The draft resolution was adopted without a vote.

128. A statement in explanation of vote after the vote was made by the representative of Panama.

129. For the text as adopted, see chapter II, section A, resolution 1990/14.

130. At the same meeting, the representative of France introduced draft resolution E/CN.4/1990/L.27, sponsored by Belgium, Colombia, Czechoslovakia*, France, the German Democratic Republic*, Greece*, Iraq, Italy, Luxembourg*, Morocco, Nicaragua*, the Philippines, Portugal, Senegal, Spain, Swaziland, Togo*, the Union of Soviet Socialist Republics and Uruguay*. Kenya*, the Syrian Arab Republic* and Zaire* subsequently joined the sponsors.

131. The representative of France orally revised the draft resolution as follows:

(a) In the last preambular paragraph, the words "Aware that the adoption of effective measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of the causes of extreme poverty" were replaced by the words "Aware of the necessity of a better understanding of the causes of extreme poverty".

(b) In operative paragraph 3, the words "the duty to guarantee full enjoyment of human rights" were replaced by the words "the ability to enjoy human rights fully".

132. The draft resolution, as orally revised, was adopted without a vote.

133. Statements in explanation of vote after the vote were made by the representatives of Japan and Peru.

134. For the text as adopted, see chapter II, section A, resolution 1990/15.

135. On 20 February 1990, a draft resolution (E/CN.4/1990/L.31) was submitted by Argentina, Austria*, Bulgaria, the German Democratic Republic*, Germany, Federal Republic of, Hungary, Italy, Mexico, Poland* and Spain.

136. The draft resolution was re-issued on 22 February 1990, for a technical reason, as document E/CN.4/1990/L.31/Rev.1.

137. At the 38th meeting on 23 February 1990, the representative of Spain introduced draft resolution E/CN.4/1990/L.31/Rev.1. Ireland*, Morocco, the Philippines and Uruguay* subsequently joined the sponsors.

138. The draft resolution was adopted without a vote.

139. Statements in explanation of vote after the vote were made by the representatives of Cuba and Peru.

140. For the text as adopted, see chapter II, section A, resolution 1990/16.

141. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1990/L.33, sponsored by Australia*, Belgium, Bulgaria, Colombia, Cyprus, Denmark*, Finland*, France, the German Democratic Republic*, Hungary, Norway*, the Philippines, Portugal, Senegal, Spain, Swaziland, Sweden, the United Kingdom of Great Britain and Northern Ireland and the Ukrainian Soviet Socialist Republic. Cameroon*, Gambia, Germany, Federal Republic of, Nicaragua* and Zaire* subsequently joined the sponsors.

142. The draft resolution was adopted without a vote.

143. Statements in explanation of vote after the vote were made by the representatives of Cuba and Peru.

144. For the text as adopted, see chapter II, section A, resolution 1990/17.

145. On 20 February 1990, a draft resolution (E/CN.4/1990/L.28) was submitted by Colombia, Cyprus, Mexico, Nigeria, Peru, Philippines, Venezuela and Yugoslavia.

146. On 23 February 1990, a revised draft resolution (E/CN.4/1990/L.28/Rev.1) was submitted by the sponsors of draft resolution E/CN.4/1990/L.28, which was revised as follows:

(a) In the second preambular paragraph, the word "and" was inserted between the words "Cultural Rights" and the words "the Declaration", and the words "Development, and" were replaced by the words "Development as well as";

(b) In the sixth preambular paragraph, the word "forums" was replaced by the word "organizations";

(c) The seventh and eighth preambular paragraphs, reading:

"Noting with appreciation the conclusions of the UNICEF study entitled 'Adjustment with a Human Face' and of the UNICEF reports entitled 'The State of the World's Children 1989' and 'The State of the World's Children 1990',

"Noting with interest the conclusions of the World Bank's 'World Debt Tables 1989-1990', volume 1, December 1989, relating to the external debt of developing countries,"

were replaced.

(d) In the last preambular paragraph, all the words after "March 1989" were deleted;

(e) A paragraph was inserted as operative paragraph 1;

(f) The original operative paragraph 1 became operative paragraph 2;

(g) The original operative paragraph 2, which read:

"Continues consideration, at its forty-seventh session, of the sub-item entitled 'Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration of the Right to Development';"

was deleted;

(h) A paragraph was added as operative paragraph 5.

147. At the 42nd meeting, on 27 February 1990, the representative of Peru introduced draft resolution E/CN.4/1990/L.28/Rev.1.

148. A statement in explanation of vote before the vote was made by the representative of Japan.

149. At the request of the representative of Japan, a vote was taken on the draft resolution (E/CN.4/1990/L.28/Rev.1). The draft resolution was adopted by 36 votes to 2, with 5 abstentions.

150. Statements in explanation of vote after the vote were made by the representatives of Belgium, Cuba, France, Italy, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

151. For the text as adopted, see chapter II, section A, resolution 1990/24.

VIII. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

152. The Commission considered agenda item 8 concurrently with items 7, 17 and 18 (see chaps. VII, XVII and XVIII) at its 16th to 21st meetings, held from 8 to 13 February 1990, and at its 38th meeting, held on 23 February 1990. 2/

153. The Commission had before it the following documents:

Report prepared by the Secretary-General on the Global Consultation on the Right to Development as a Human Right pursuant to Commission on Human Rights resolution 1989/45 (E/CN.4/1990/9 (parts I, III and IV));

Analytical compilation of comments and views on the implementation and further enhancement of the Declaration on the Right to Development prepared by the Secretary-General (E/CN.4/1990/33);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/CN.4/1990/NGO/18);

Written statement submitted by the Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/1990/NGO/44);

Written statements submitted by Christian Democratic International, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/45, E/CN.4/1990/NGO/46);

Written statement submitted by the International Alliance of Women - Equal Rights, Equal Responsibilities, the International Council of Women, Zonta International, non-governmental organizations in consultative status (category I), the Arab Lawyers Union, Caritas Internationalis, the Conference of European Churches, the International Abolitionist Federation, the International Association of Juvenile and Family Court Magistrates, the International Catholic Child Bureau, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Federation Terre des Hommes, the International League for the Rights and Liberation of Peoples, the International Movement ATD Fourth World, the Medical Women's International Association, Pax Christi, Pax Romana, the World Association of Girl Guides and Girl Scouts, the World Federation of Methodist Women, the World Movement of Mothers, the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II), the Union of Christian-Democratic Women and the World Federation of Public Health Associations, non-governmental organizations on the Roster (E/CN.4/1990/NGO/59).

Report of the open-ended Working Group of Governmental Experts on the
Right to Development (E/CN.4/1989/10).

154. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (20th), Bangladesh (20th), Belgium (19th), Bulgaria (20th), Brazil (21st), Canada (18th), China (20th), Colombia (18th), Cuba (20th), Cyprus (20th), Ethiopia (20th), France (20th), India (20th), Iraq (19th), Italy (20th), Mexico (21st), Morocco (20th), Nigeria (19th), Pakistan (20th), Philippines (17th), Senegal (16th), Spain (19th), Swaziland (19th), Sweden (18th), United Kingdom of Great Britain and Northern Ireland (20th), Venezuela (16th), Yugoslavia (18th).

155. The Commission also heard statements by the Observers for: Algeria (20th), Australia (17th), Bolivia (20th), Byelorussian Soviet Socialist Republic (18th), Ecuador (18th), Gabon (21st), Guatemala (21st), Iran (Islamic Republic of) (20th), Lebanon (17th), Libyan Arab Jamahiriya (17th), Mongolia (18th), Netherlands (18th), Nicaragua (18th), Tunisia (20th).

156. A statement was made by the Observer for the Holy See (17th).

157. A statement was also made by the representative of the International Labour Organisation (19th).

158. The Commission also heard statements by the following non-governmental organizations: Baha'i International Community (18th), Four Directions Council (19th), Grand Council of the Crees of Quebec (18th), Indian Council of South America (20th), International Association against Torture (18th), International Confederation of Free Trade Unions (20th), International League for the Rights and Liberation of Peoples (21st), International Movement for Fraternal Union among Races and Peoples (21st), World Confederation of Labour (17th).

159. At the 38th meeting, on 23 February 1990, the representative of Yugoslavia introduced draft resolution E/CN.4/1990/L.24, sponsored by China, Cuba, Cyprus, Egypt*, Ethiopia, India, Mexico, Nigeria, Peru, Poland*, Romania*, Senegal, Tunisia*, Venezuela and Yugoslavia. Algeria*, Argentina, Bangladesh, Cameroon*, Kenya*, Nicaragua*, the Philippines, Somalia, the Syrian Arab Republic*, the United Republic of Tanzania* and Zaire* subsequently joined the sponsors.

160. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.50) 1/ of draft resolution E/CN.4/1990/L.24.

161. The representative of the United States of America made a statement in explanation of vote before the vote in which he stated that he would not participate in the vote.

162. The draft resolution was adopted without a vote.

163. Statements in explanation of vote after the vote were made by the representatives of Germany, Federal Republic of, Japan and the United Kingdom of Great Britain and Northern Ireland.

164. For the text as adopted, see chapter II, section A, resolution 1990/18.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

165. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 2nd to 10th meetings, held from 30 January to 5 February 1990, and at its 19th meeting, held on 12 February 1990. Item 9 was further considered at the Commission's 28th, 29th and 32nd meetings, held on 16, 19 and 20 February 1990. 2/

166. The Commission had before it the following documents:

Preliminary report prepared by Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries (A/44/526, annex);

Report by the Secretary-General prepared in accordance with Commission resolution 1989/19 (E/CN.4/1990/10);

Report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur, Mr. Enrique Bernales Ballesteros, pursuant to the mandate under Commission resolution 1989/21 (E/CN.4/1990/11);

Letter dated 15 January 1990 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/58);

Letter dated 22 January 1990 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/63);

Note by the Secretariat conveying one of the three documents which the Permanent Representative of Viet Nam to the United Nations Office at Geneva requested to have circulated, by letters dated 19 and 30 January 1990 (E/CN.4/1990/64);

Letter dated 6 February 1990 from the Permanent Representative of the People's Republic of China to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/68);

Written statement submitted by the Federation of Associations of Former International Civil Servants, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/4);

Written statement submitted by the International Federation for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/8);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/32);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/42, E/CN.4/1990/NGO/49).

167. At the 9th meeting, on 5 February 1990, Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries, introduced his report (E/CN.4/1990/11).

168. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (6th), Bangladesh (6th), China (6th), Cuba (6th), Cyprus (6th), Germany, Federal Republic of (4th), Ghana (6th), Iraq (8th), Japan (6th), Morocco (6th), Nigeria (4th), Pakistan (6th), Panama (9th), Philippines (5th), Portugal (6th), Spain (5th), Sri Lanka (5th), Sweden (5th), Ukrainian Soviet Socialist Republic (5th), Union of Soviet Socialist Republics (6th), United Kingdom of Great Britain and Northern Ireland (5th), United States of America (6th).

169. The Commission also heard statements by the Observers for: Algeria (7th), Byelorussian Soviet Socialist Republic (4th), Cambodia (8th), Czechoslovakia (5th), German Democratic Republic (4th), Greece (7th), Indonesia (7th), Iran (Islamic Republic of) (9th), Israel (7th), Libyan Arab Jamahiriya (6th), Nicaragua (8th), Oman (3rd), Qatar (8th), Syrian Arab Republic (4th), Tunisia (6th), Turkey (7th), Viet Nam (7th), Yemen (6th).

170. Statements were also made by the Observers for Palestine (7th) and the Pan Africanist Congress of Azania (2nd).

171. The Commission heard statements by the following non-governmental organizations: American Association of Jurists (10th), Centre Europe-Tiers Monde (10th), International Association against Torture (8th), International Commission of Jurists (9th), International Federation for Human Rights (9th), International Indian Treaty Council (8th), International League for the Rights and Liberation of Peoples (9th), International Organization for the Elimination of All Forms of Racial Discrimination (9th), Latin American Federation of Associations of Relatives of Disappeared Detainees (10th), Minority Rights Group (10th), Pax Christi (9th), World Federation of Democratic Youth (8th), World University Service (8th).

172. Statements in right of reply or equivalent to right of reply were made by the representatives of China (6th and 10th), Cuba (6th and 9th), Ethiopia (10th), India (8th and 9th), Iraq (10th), Pakistan (9th), Panama (9th), Portugal (8th and 10th), the United States of America (9th) and Yugoslavia (10th), and by the Observers for Cambodia (7th and 9th), the Democratic People's Republic of Korea (7th), Indonesia (7th and 9th), Israel (10th), Jordan (4th), Nicaragua (9th and 10th), the Syrian Arab Republic (9th and 19th) and Viet Nam (10th).

173. At its 28th meeting, on 16 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

174. Draft resolution E/CN.4/1990/L.15, submitted by the Chairman, was adopted without a vote.

175. For the text as adopted, see chapter II, section A, resolution 1990/5.

176. On 12 February 1990, a draft resolution (E/CN.4/1990/L.9) was submitted by Afghanistan*, Algeria*, Botswana, Burundi*, Cuba, Ghana, Madagascar, Nicaragua and Viet Nam*.

177. On 14 February 1990, a revised draft resolution (E/CN.4/1990/L.9/Rev.1) was submitted by the Chairman. Draft resolution E/CN.4/1990/L.9 was revised as follows:

(a) In the eighth preambular paragraphs, the words "Noting with appreciation the continuation" were replaced by the words "Reiterating its support for";

(b) In operative paragraph 3, the words "the Secretary-General of the United Nations and the Chairman of the Organization of African Unity" were replaced with the words "the Chairman of the Organization of African Unity and the Secretary-General of the United Nations";

(c) In operative paragraph 6, after the words "Western Sahara", the words ", and is gratified by the appointment of Mr. Johannes J. Manz as Special Representative of the Secretary-General of the United Nations for the question of Western Sahara" were deleted;

(d) In operative paragraph 8, the word "current" was inserted between the words "process of" and the words "the Chairman".

178. At the 28th meeting, on 16 February 1990, the revised draft resolution (E/CN.4/1990/L.9/Rev.1) was adopted without a vote.

179. For the text as adopted, see chapter II, section A, resolution 1990/4.

180. At the same meeting, the representative of India introduced draft resolution E/CN.4/1990/L.5, sponsored by Algeria*, Bangladesh, Bahrain*, China, Cuba, Democratic Yemen*, Egypt*, Gambia, Ghana, India, Iraq, Jordan*, Kuwait*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sudan*, the Syrian Arab Republic*, Tunisia*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates* and Yemen*. Afghanistan*, Angola* and Nicaragua* subsequently joined the sponsors.

181. At the 29th meeting, on 19 February 1990, the representative of Canada requested a separate roll-call vote on operative paragraph 1 of draft resolution E/CN.4/1990/L.5. Operative paragraph 1 was adopted by 30 votes to 7, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, Germany, Federal Republic of, Italy, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bulgaria, France, Japan, Portugal, Spain.

182. At the request of the representative of United States of America, a vote was taken on draft resolution E/CN.4/1990/L.5 as a whole. The draft resolution was adopted by 30 votes to 1, with 10 abstentions.

183. The representative of Ghana subsequently indicated that, had he been present, he would have voted in favour.

184. A statement in explanation of vote after the vote was made by the representative of Sweden.

185. For the text as adopted, see chapter II, section A, resolution 1990/6.

186. At the 28th meeting, on 16 February 1990, the representative of Nigeria introduced draft resolution E/CN.4/1990/L.7, sponsored by Afghanistan*, Algeria*, Angola*, Botswana, Colombia, Cuba, the Libyan Arab Jamahiriya*, Madagascar, Morocco, Nicaragua*, Nigeria, Peru, Swaziland, the Syrian Arab Republic*, the United Republic of Tanzania* and Zimbabwe*. Cameroon*, Egypt*, India, Iraq, Somalia, Sudan* and the Ukrainian Soviet Socialist Republic subsequently joined the sponsors.

187. The representative of Nigeria orally revised operative paragraph 11 of the draft resolution by replacing the word "governmental" by the words "governments, intergovernmental and non-governmental".

188. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.25) 1/ of draft resolution E/CN.4/1990/L.7.

189. At the 29th meeting, on 19 February 1990, the representative of Canada requested a vote on draft resolution E/CN.4/1990/L.7. The draft resolution, as orally revised, was adopted by 31 votes to 10, with 1 abstention.

190. Statements in explanation of vote after the vote were made by the representatives of Canada and the United States of America.

191. For the text as adopted, see chapter II, section A, resolution 1990/7.

192. At its 28th meeting, on 16 February 1990, the representative of Ethiopia introduced draft resolution E/CN.4/1990/L.8, sponsored by Afghanistan*, Algeria*, Angola*, Bahrain*, Burundi*, Cuba, Ethiopia, Gabon*, Gambia, Ghana, Iraq, Kenya*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nicaragua*, Nigeria, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, the Syrian Arab Republic*, Togo*, Tunisia*, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania*, Zaire* and Zimbabwe*. Bangladesh, Cameroon*, China, Egypt*, India, and Yugoslavia subsequently joined the sponsors; Swaziland and Zaire* subsequently withdrew as sponsors.

193. At the 29th meeting, on 19 February 1990, the representative of the Federal Republic of Germany requested a separate roll-call vote on operative paragraph 9 of draft resolution E/CN.4/1990/L.8, which was adopted by 31 votes to 10, with 2 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Hungary, Swaziland.

194. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.8 as a whole. The draft resolution was adopted by 32 votes to 2, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland,
United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of,
Italy, Japan, Portugal, Spain, Sweden.

195. Statements in explanation of vote after the vote were made by the representatives of Botswana, Canada, Germany, Federal Republic of, Japan, Portugal, Sweden and the United States of America.

196. For the text as adopted, see chapter II, section A, resolution 1990/8.

197. At the 28th meeting, on 16 February 1990, the representative of the Philippines introduced draft resolution E/CN.4/1990/L.14, sponsored by Brunei Darussalam*, Burundi*, Cameroon*, Colombia, Gambia, Malaysia*, Mauritania*, Morocco, Nepal*, Oman*, Pakistan, the Philippines, Senegal, Singapore*, Somalia, Swaziland, Thailand*, Togo* and Turkey*. Chile*, Costa Rica*, Côte d'Ivoire*, Gabon*, Honduras* and Japan subsequently joined the sponsors.

198. At the 29th meeting, on 19 February 1990, a statement relating to the draft resolution was made by the representative of Mexico.

199. The representative of Mexico requested a separate roll-call vote on the last preambular paragraph of draft resolution E/CN.4/1990/L.14. The last preambular paragraph was adopted by 28 votes to 1, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Canada, China, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, Ghana, Italy, Japan, Morocco, Pakistan, Panama, Philippines, Portugal, Senegal, Somalia, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Cuba.

Abstaining: Brazil, Bulgaria, Ethiopia, Hungary, India, Iraq, Madagascar, Mexico, Nigeria, Peru, Sri Lanka.

The representative of Sao Tome and Principe, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote.

200. A statement in explanation of vote before the vote on the draft resolution as a whole was made by the representative of the Union of Soviet Socialist Republics.

201. The representatives of Mexico and the Union of Soviet Socialist Republics requested a roll-call vote on draft resolution E/CN.4/1990/L.14 as a whole. The draft resolution was adopted by 31 votes to 5, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, China, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, Ghana, Italy, Japan, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Cuba, Ethiopia, India, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Belgium, Canada, Hungary, Iraq, Madagascar, Sweden.

The representative of Bulgaria stated that his delegation was not participating in the vote.

202. Statements in explanation of vote after the vote were made by the representatives of Botswana, Bulgaria, Canada, India, Italy (on behalf of the member States of the European Economic Community) and Sweden.

203. Statements relating to the draft resolution were made by the Observers for Cambodia and Viet Nam.

204. For the text as adopted, see chapter II, section A, resolution 1990/9.

205. On 9 February 1990, a draft resolution (E/CN.4/1990/L.2) was submitted by Cuba, Nicaragua* and Viet Nam*.

206. On 14 February 1990, a revised draft resolution (E/CN.4/1990/L.2/Rev.1) was submitted by Cuba, the Libyan Arab Jamahiriya* and Nicaragua*. The text of the revised draft resolution was identical with that of draft resolution E/CN.4/1990/L.2.

207. On 15 February 1990, a revised draft resolution (E/CN.4/1990/L.2/Rev.2) was submitted by Cuba, the Libyan Arab Jamahiriya*, Nicaragua* and Viet Nam*. Draft resolution E/CN.4/1990/L.2/Rev.1 was revised as follows:

(a) In operative paragraph 1, the words "the continued intervention in Panama by the armed forces of the United States of America", were replaced with the words "the foreign military intervention in Panama";

(b) Operative paragraph 2 which read: "Demands that the intervention should cease immediately and that the armed forces of the United States should withdraw from Panama", was replaced.

208. At the 32nd meeting on 20 February 1990, the representative of Cuba introduced revised draft resolution E/CN.4/1990/L.2/Rev.2.

209. At the same meeting, the following oral amendments to draft resolution E/CN.4/1990/L.2/Rev.2 were proposed by the representative of the United States of America:

"(a) Insert a new first preambular paragraph as follows: Bearing in mind the purposes of the United Nations, including, inter alia, that of developing respect for the principle of equal rights and self-determination of peoples;

"(b) Leave third preambular paragraph unchanged and replace as second preambular paragraph in the amended text;

"(c) Insert a new third preambular paragraph as follows: Reaffirming the validity of the Universal Declaration of Human Rights and its relevance to enjoyment of the right to self-determination, in particular those provisions declaring that everyone has the right to take part in the government of his or her country, that the will of the people shall be the basis of the authority of the government, and that this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

"(d) Delete fourth preambular paragraph;

"(e) Revise first preambular paragraph as follows and renumber as new fourth paragraph: Recalling that the General Assembly already considered the question of Panama at its forty-fourth session in resolution 44/240 of 29 December 1989;

"(f) Insert second preambular paragraph as new fifth paragraph;

"(g) Insert a new sixth preambular paragraph as follows: Noting that the people of Panama participated in a national election on 7 May 1989 to choose the leaders of their country and that this election was adjudged to be free and fair by international observers;

"(h) Insert a new seventh preambular paragraph as follows: Recalling that the results of the election of 7 May 1989 were nullified by the former Government of Panama and that the Organization of American States in its resolution of 7 May 1989 considered that the abuses by the former Government of Panama in connection with the electoral process, 'abridged the right of the Panamanian people to freely elect their legitimate authorities,';

"(i) Insert a new eighth preambular paragraph as follows:
Recognizing that the people of Panama are governed today by the individuals who were elected to their positions in the executive branch in the election of 7 May 1989;

"(j) Insert a new ninth preambular paragraph as follows:
Acknowledging the fact that the foreign military forces that intervened in Panama in December 1989 have been completely withdrawn;

"(k) Delete original operative paragraphs 1 and 2;

"(l) Insert a new operative paragraph 1 as follows: Welcomes the national election held in Panama on 7 May 1989;

"(m) Replace Demands with Urges in original operative paragraph 3 and renumber as new operative paragraph 2;

"(n) Renumber original operative paragraph 4 as new operative paragraph 3 in the amended text."

210. At the same meeting, the representative of the United States of America withdrew these oral amendments.

211. Statements in explanation of vote before the vote on draft resolution E/CN.4/1990/L.2/Rev.2 were made by the representatives of Argentina, Brazil, Mexico and Panama.

212. At the request of the representative of Cuba, a roll-call vote was taken on the second preambular paragraph of the draft resolution. The second preambular paragraph was adopted by 14 votes to 5, with 20 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Italy, Japan, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Portugal, Somalia, Spain, Swaziland, Sweden, Venezuela.

The representatives of Gambia, Sao Tome and Principe and Senegal stated that their delegations were not participating in the vote.

213. At the request of the representative of Cuba, a roll-call vote was taken on the fourth preambular paragraph of the draft resolution. The fourth preambular paragraph was adopted by 13 votes to 8, with 18 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Belgium, Canada, Germany, Federal Republic of, Italy, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Botswana, Colombia, France, Ghana, Hungary, Japan, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

The representatives of Gambia, Sao Tome and Principe and Senegal stated that their delegation were not participating in the vote.

214. At the request of the representative of Cuba, a roll-call vote was taken on operative paragraph 1 of the draft resolution. Operative paragraph 1 was adopted by 14 votes to 8 with 17 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

The representatives of Gambia, Sao Tome and Principe and Senegal stated that their delegation were not participating in the vote.

215. At the request of the representative of the United States of America, a roll-call vote was taken on operative paragraph 2 of the draft resolution. Operative paragraph 2 was adopted by 10 votes to 9, with 19 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Ethiopia, Iraq, Mexico, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Morocco, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Hungary, India, Madagascar, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Sri Lanka, Swaziland, Sweden and Venezuela.

The representatives of Cyprus, Gambia, Sao Tome and Principe and Senegal stated that their delegations were not participating in the vote.

216. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.2/Rev.2 as a whole. The draft resolution was adopted by 14 votes to 8, with 17 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

The representatives of Cyprus, Gambia, Sao Tome and Principe and Senegal stated that their delegations were not participating in the vote.

217. Statements in explanation of vote after the vote were made by the representatives of Belgium, Canada, Colombia, Cyprus, France, Ghana, Japan, Peru, Spain, Sweden and Venezuela.

218. For the text as adopted, see chapter II, section A, resolution 1990/10.

219. On 9 February 1990, a draft resolution (E/CN.4/1990/L.3) was submitted by Panama, reading as follows:

"The Commission on Human Rights,

"Considering that in the debate on item 9, 'The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation', at the forty-sixth session of the Commission on Human Rights, the observance of the right of self-determination was questioned with reference to the political and social situation in Panama, Nicaragua and Cuba among other countries,

"Considering that the Universal Declaration of Human Rights states in the preamble that 'Member States have pledged themselves to achieve in co-operation with the United Nations the promotion of universal respect for and observance of human rights and fundamental freedoms',

"Considering that the United Nations has a duty to promote full protection of human rights in all parts of the world,

"Considering that observance of the right of 'peoples to self-determination', in terms of living in a complete democracy and exercising sovereignty, has been sharply questioned with reference to those countries,

"Considering that intervention by one country in another's affairs, whether peaceful or violent, constitutes disregard of its right of self-determination,

"Considering that totalitarian systems of government remain in power, in disregard of human rights,

"1. Calls for unconditional withdrawal of the troops which participated in the United States military action on Panamanian territory on 20 December 1989 and non-resumption of military aid to the Contras in Nicaragua, unconditional withdrawal of the thousands of Soviet military advisers from Cuba, unconditional withdrawal of Cuban troops from Angola and other African countries, withdrawal of the Cuban State's military and security advisers from Nicaragua and cessation of Nicaraguan military aid to the Salvadorian guerrillas of the Farabundo Martí National Liberation Front;

"2. Condemns all totalitarian systems of government, considering them a violation of the human rights of their peoples, and in particular of their right of self-determination with regard to their domestic sovereignty."

220. On 16 February 1990, a revised draft resolution (E/CN.4/1990/L.3/Rev.1) was submitted by Panama, revising draft resolution E/CN.4/1990/L.3 as follows:

(a) In operative paragraph 1, the words "Calls for unconditional" were replaced with the words "Welcomes the"; the words "demands the" were inserted between the words "20 December 1989 and" and the word "non-resumption"; the word "the" was inserted between the words "Contras in Nicaragua", and the word "unconditional", between the words "from Cuba", and the word "unconditional", between the words "African countries", and the word "withdraw" and between the words "from Nicaragua, and" and the word "cessation";

(b) Operative paragraph 3 was added, reading as follows:

"3. Recognizes that the present Government of Panama is composed of persons elected by the Panamanian people on 7 May 1989 in free elections and that Panama thus exercises its right of self-determination."

221. At the 32nd meeting, on 20 February 1990, the representative of Panama orally further revised the revised draft resolution E/CN.4/1990/L.3/Rev.1, as follows:

(a) In the fourth preambular paragraph, the words "those countries" were replaced with the word "Cuba";

(b) The three operative paragraphs were replaced with the following five paragraphs:

"1. Welcomes the withdrawal of the troops which participated in the United States military action on Panamanian territory on 20 December 1989;

"2. Demands the unconditional withdrawal of the thousands of Soviet military advisers from Cuba, the unconditional withdrawal of Cuban troops from Angola and other African countries, and the withdrawal of the Cuban State's military and security advisers from Nicaragua;

"3. Calls upon the Government of Cuba to permit movement in the direction of democracy so that fundamental changes can take place in its system of government;

"4. Further calls upon the Government of Cuba to hold free and fair elections so as to enable its people to exercise the right to self-determination;

"5. Condemns all totalitarian systems of government, considering them a violation of the human rights of their peoples, and in particular of their right of self-determination with regard to their domestic sovereignty."

222. At the same meeting, the representative of Panama withdrew draft resolution E/CN.4/1990/L.3/Rev.2 and the oral amendments pertaining thereto.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

223. The Commission considered agenda item 10 and sub-items 10 (a), 10 (b) and 10 (c) at its 23rd to 30th meetings, held from 14 to 19 February, and at its 48th, 52nd and 54th meetings, held on 2, 6 and 7 March 1990. 2/

224. In relation to item 10, the Commission had before it the following documents:

Note by the Secretary-General on the feasibility of drafting model texts for national legislation or other measures for the effective implementation of standards relating to human rights in the administration of justice (E/CN.4/1990/12);

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13);

Note by the Secretary-General on detention of international civil servants and their families (E/CN.4/1990/14);

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1990/15);

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1990/16);

Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. P. Kooijmans, pursuant to Commission resolution 1989/33 (E/CN.4/1990/17 and Add.1);

Note verbale dated 12 February 1990 from the Permanent Mission of Nicaragua to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1990/83);

Letter dated 1 March 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1990/85);

Letter dated 22 February 1990 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1990/86);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/48);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/61);

Written statement by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/68);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/69).

225. In the general debate on item 10, 3/ statements were made by the following members of the Commission: Canada (27th), China (27th), India (23rd), Philippines (26th), Portugal (27th), Senegal (26th), Spain (27th), Union of Soviet Socialist Republics (27th), United Kingdom of Great Britain and Northern Ireland (26th), United States of America (27th).

226. The Commission heard statements by the Observers for: Austria (26th), Costa Rica (26th), Democratic Peoples' Republic of Korea (27th), Egypt (26th), Lebanon (26th), New Zealand (27th), Nicaragua (28th), Switzerland (29th).

227. A statement was also made by the Observer for the African National Congress of South Africa (28th).

228. The Commission heard statements by the following non-governmental organizations: Amnesty International (24th), Arab Lawyers Union (30th), Commission of the Churches on International Affairs of the World Council of Churches (30th), Federation of Associations of Former International Civil Servants (24th), Human Rights Advocates (23rd), International Abolitionist Federation (26th), International Association Against Torture (26th), International Association for the Defence of Religious Liberty (23rd), International Association of Democratic Lawyers (30th), International Association of Educators for World Peace (24th), International Commission of Health Professionals for Health and Human Rights (26th), International Commission of Jurists (24th), International Falcon Movement (24th), International Federation for Human Rights (24th), International Fellowship of Reconciliation (26th), International Human Rights Law Group (26th), International Indian Treaty Council (30th), International League for the Rights and Liberation of Peoples (26th), Liberation (24th), International Movement for Fraternal Union among Races and Peoples (26th), International Organization for the Elimination of All Forms of Racial Discrimination (30th), International Union for Students (24th), Pax Romana (24th), Regional Council on Human Rights in Asia (26th), Service, Justice and Peace in Latin America (24th), World Federation for Mental Health (26th), World Movement of Mothers (26th), World Union for Progressive Judaism (24th), World University Service (24th).

229. Statements in right of reply or equivalent to right of reply were made by the representatives of: Cuba (30th), Peru (24th) and by the Observers for Democratic Peoples' Republic of Korea (30th), Guatemala (30th), Greece (27th), Indonesia (30th and 27th), Libyan Arab Jamahiriya (24th), Morocco (26th), Nicaragua (27th) and Sudan (30th).

230. At its 48th meeting, on 2 March 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 10.

231. The representative of Portugal introduced draft resolution E/CN.4/1990/L.42, sponsored by Austria*, Costa Rica*, Germany, Federal Republic of, Italy, Luxembourg*, Nicaragua*, the Philippines, Portugal, Togo* and the United Kingdom of Great Britain and Northern Ireland. France and Panama subsequently joined the sponsors.

232. The draft resolution was adopted without a vote.

233. A statement in explanation of vote after the vote was made by the representative of Japan.

234. For the text as adopted, see chapter II, section A, resolution 1990/31.

235. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1990/L.43, sponsored by Austria*, Belgium, Bulgaria, Canada, France, the Gambia, Germany, Federal Republic of, Luxembourg*, Spain, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics. Hungary, Panama, Peru, Togo* and the Ukrainian Soviet Socialist Republic subsequently joined the sponsors.

236. The representative of Canada orally revised operative paragraph 7 of the draft resolution by replacing the words "reference in the working paper prepared by Mr. Türk to" with the words "views expressed by Mr. Türk in his working paper including those on".

237. The draft resolution, as orally revised, was adopted without a vote.

238. For the text as adopted, see chapter II, section A, resolution 1990/32.

239. In view of the adoption of draft resolution E/CN.4/1990/L.43 (see paras. 235-238), the Commission decided to take no action on the Sub-Commission on Prevention of Discrimination and Protection of Minorities draft resolution IV (E/CN.4/1990/2, chap. 1, sect. A).

240. At the same meeting, the representative of Belgium introduced draft resolution E/CN.4/1990/L.44, sponsored by Austria*, Belgium, Botswana, Bulgaria, Canada, Colombia, Cyprus, France, the Gambia, Germany, Federal Republic of, Hungary, Italy, Luxembourg*, the Netherlands*, Nicaragua*, the Philippines, Portugal and Togo*.

241. The draft resolution was adopted without a vote.

242. A statement in explanation of vote after the vote was made by the representative of Japan.

243. For the text as adopted, see chapter II, section A, resolution 1990/33.

244. At the same meeting, the Commission considered draft resolution III, recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. A).

245. The draft resolution was adopted without a vote.

246. For the text as adopted, see chapter II, section A, resolution 1990/35.

247. At the 52nd meeting, on 6 March 1990, the representative of France introduced draft resolution E/CN.4/1990/L.46, sponsored by Belgium, Colombia, France, Germany, Federal Republic of, Italy, Japan, Switzerland*, Togo*, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Ireland* subsequently joined the sponsors.

248. The representative of Senegal made a statement relating to the draft resolution.

249. The draft resolution was adopted without a vote.

250. For the text as adopted, see chapter II, section A, resolution 1990/36.

251. At the same meeting, the Commission considered draft resolution IX recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. II, sect. A).

252. The representative of the United Kingdom of Great Britain and Northern Ireland orally proposed amendments to operative paragraph 1 of draft resolution IX, as follows:

(a) In (a), replace the words "incorporate into the national legislation" with the words "take into account and respect, within the framework of the national rules, regulations and practices";

(b) In (b) replace the word "corresponding" with the word "relevant" and the word "legislation" with the words "rules and regulations";

(c) In (c) delete the word "corresponding" and replace the word "legislation" with "rules and regulations".

253. The amendments were accepted by the Commission.

254. The draft resolution, as orally amended, was adopted without a vote.

255. For the text as adopted, see chapter II, section A, resolution 1990/37.

256. At the 54th meeting, on 7 March 1990, the observer for Austria* introduced draft resolution E/CN.4/1990/L.38, sponsored by Australia*, Austria*, Belgium, Canada, Colombia, Cyprus, Denmark*, Finland*, France, Germany, Federal Republic of, Hungary, Italy, New Zealand*, the Philippines, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. The Gambia, the Netherlands* and Peru subsequently joined the sponsors.

257. The Observer for Austria orally revised the draft resolution as follows:

(a) The third preambular paragraph which read "Calling attention to the various international standards adopted by the United Nations in the field of administration of justice," was replaced;

(b) A new paragraph was inserted as the fourth preambular paragraph;

(c) In the new fifth preambular paragraph, after the words "mindful of", the words "the Second Optional Protocol to the International Covenant on Civil and Political Rights on the elimination of the death penalty, as well as of" were deleted.

258. An amendment (E/CN.4/1990/L.77) to draft resolution E/CN.4/1990/L.38 submitted on 2 March 1990 by Bangladesh, China, Egypt*, Iraq, the Islamic Republic of Iran*, Japan, Jordan*, and Pakistan, which was subsequently withdrawn, read as follows:

"Delete the following from the fourth preambular paragraph: the Second Optional Protocol to the International Covenant on Civil and Political Rights on the elimination of the death penalty, as well as of".

259. The draft resolution, as orally revised, was adopted without a vote.

260. Statements in explanation of vote after the vote were made by the representatives of Japan, Pakistan, Portugal and the United States of America.

261. For the text as adopted, see chapter II, section A, resolution 1990/81.

A. Torture and other cruel, inhuman or degrading treatment or punishment

262. In connection with agenda item 10 (a), the Commission had before it the following documents:

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/44/708);

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1990/16);

Report by the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission resolution 1989/33 (E/CN.4/1990/17 and Add.1).

263. At the 23rd meeting, on 14 February 1990, the Special Rapporteur, Mr. P. Kooijmans, introduced his report (E/CN.4/1990/17 and Add.1) to the Commission.

264. On the general debate on item 10 (a), 3/ statements were made by the following members of the Commission: Belgium (27th), Canada (27th), China (27th), Cyprus (27th), India (23rd), Mexico (27th), Philippines (26th), Portugal (27th), Senegal (26th), Spain (27th), Sweden (23rd), Union of Soviet Socialist Republics (27th), United Kingdom of Great Britain and Northern Ireland (26th), United States of America (27th), Yugoslavia (26th).

265. The Commission also heard statements by the Observers for: Austria (26th), Costa Rica (26th), Egypt (26th), Netherlands (29th), New Zealand (27th), Turkey (29th).

266. Statements were also made by the Observers for the Democratic People's Republic of Korea (27th) and Switzerland (29th).

267. A statement was also made by the Observer for the African National Congress of South Africa (29th).

268. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (26th), Amnesty International (24th), Arab Lawyers Union (30th), Centre Europe-Tiers Monde (26th), Christian Democratic International (26th), Commission of the Churches on International Affairs of the World Council of Churches (30th), Human Rights Advocates (23rd), International Association Against Torture (26th), International Association of Educators for World Peace (24th), International Commission of Health Professionals for Health and Human Rights (26th), International Falcon Movement (24th), International Federation of Human Rights (24th), International Federation of the Action of Christians for the Abolition of Torture (26th), International Human Rights Law Group (26th), International Indian Treaty Council (30th), International League for the Rights and Liberation of Peoples (26th), International Movement for Fraternal Union Among Races and Peoples (26th), International Organization for the Elimination of All Forms of Racial Discrimination (30th), International Union of Students (24th), Service, Justice and Peace in Latin America (24th), World Federation for Mental Health (26th), World Movement of Mothers (26th), World University Service (24th).

269. Statements in right of reply or equivalent to right of reply were made by the representatives of Cuba (27th), India (27th), Iraq (27th), Mexico (27th and 30th), Morocco (26th), Portugal (30th), Sri Lanka (27th) and the United States of America (30th); and by the Observers for Greece (27th), Guatemala (27th and 30th), Honduras (27th), Indonesia (27th and 30th), Mauritania (26th and 30th), Sudan (24th and 30th) and the Syrian Arab Republic (24th); and by the Observers for the Democratic Peoples' Republic of Korea (30th) and the Republic of Korea (30th).

270. At the 48th meeting, on 2 March 1990, the representative of Sweden introduced draft resolution E/CN.4/1990/L.40, sponsored by Australia*, Austria*, Belgium, Brazil, Canada, Costa Rica*, Denmark*, Finland*, France, the Gambia, Germany, Federal Republic of, Greece*, Italy, Japan, Luxembourg*, the Netherlands*, New Zealand*, Nicaragua*, Norway*, Peru, Senegal, Spain, Sweden, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina subsequently joined the sponsors.

271. The draft resolution was adopted without a vote.

272. For the text as adopted, see chapter II, section A, resolution 1990/29.

273. At the same meeting, the representative of Belgium introduced draft resolution E/CN.4/1990/L.45, sponsored by Australia*, Austria*, Belgium, Canada, Colombia, Cyprus, Denmark*, Finland*, Gambia, Greece*, Ireland*, Italy, Luxembourg*, the Netherlands*, New Zealand*, Nicaragua*, Norway*, Peru, the Philippines, Portugal, Senegal, Spain, Sweden, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and Zaire*. Costa Rica*, Panama and the Union of Soviet Socialist Republics subsequently joined the sponsors.

274. The representative of Belgium orally revised operative paragraph 15 by adding the words "in particular with a view to establishing the procedures for co-operation and avoiding any overlapping in the activities of the United Nations in combating torture".

275. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.48) 1/ of draft resolution E/CN.4/1990/L.45.

276. The draft resolution, as orally revised, was adopted without a vote.

277. For the text as adopted, see chapter II, section A, resolution 1990/34.

B. Status of the Convention against Torture and Other
Cruel, Inhuman or Degrading Treatment or Punishment

278. In relation to agenda item 10 (b), the Commission had before it the report of the Secretary-General on the Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1990/15).

279. In the general debate on item 10 (b), 3/ statements were made by the following members of the Commission: Canada (27th), China (27th), Cyprus (27th), Senegal (26th), Sweden (23rd), Union of Soviet Socialist Republics (27th) and Yugoslavia (27th).

280. The Commission heard statements by the Observers for: Austria (26th), Costa Rica (26th), Egypt (26th), Netherlands (29th), New Zealand (27th), Switzerland (29th), Turkey (29th).

281. Statements were also made by the following non-governmental organizations: American Association of Jurists (26th), Amnesty International (24th), International Association against Torture (26th), International Federation for Action by Christians for the Abolition of Torture (26th), International Human Rights Law Group (26th), International League for the Rights and Liberation of Peoples (26th), International Organization for the Elimination of All Forms of Racial Discrimination (30th), Service, Justice and Peace in Latin America (24th).

282. At the 48th meeting, on 2 March 1990, the representative of Sweden introduced draft resolution E/CN.4/1990/L.39, sponsored by Afghanistan*, Argentina, Australia*, Austria*, Brazil, Byelorussian Soviet Socialist Republic*, Cameroon*, Canada, Costa Rica*, Denmark*, Germany, Federal Republic of, Finland*, France, Gambia, Greece*, Italy, Luxembourg*, Mexico, the Netherlands*, New Zealand*, Nicaragua*, Norway*, Peru, Philippines, Portugal, Senegal, Spain, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Panama subsequently joined the sponsors.

283. The draft resolution was adopted without a vote.

284. For the text as adopted, see chapter II, section A, resolution 1990/28.

C. Question of enforced or involuntary disappearances

285. In relation to agenda item 10 (c), the Commission had before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13).

286. At the 23rd meeting, on 14 February 1990, Mr. Ivan Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introduced the Working Group's report (E/CN.4/1990/13).

287. In the general debate on item 10 (c), 3/ statements were made by the following members of the Commission: Belgium (27th), Canada (27th), Cyprus (27th), India (23rd), Peru (24th), Philippines (26th), Portugal (27th), Spain (27th), Sweden (23rd), United Kingdom of Great Britain and Northern Ireland (26th), Yugoslavia (26th).

288. The Commission heard statements by Observers for: Austria (26th), Lebanon (26th), Netherlands (29th), New Zealand (27th), Nicaragua (29th), Switzerland (29th).

289. Statements were also made by the following non-governmental organizations: American Association of Jurists (26th), Amnesty International (24th), Andean Commission of Jurists (24th), Centre Europe-Tiers Monde (26th), Christian Democratic International (26th), Commission of the Churches on International Affairs of the World Council of Churches (30th),

International Association against Torture (26th), International Commission of Jurists (24th), International Federation of the Action of Christians for the Abolition of Torture (26th), International Federation for Human Rights (24th), International League for the Rights and Liberation of Peoples (26th), International Movement for Fraternal Union among Races and Peoples (26th), International Indian Treaty Council (30th), International Union of Students (24th), Latin American Federation of Associations of Relatives of Disappeared Detainees (26th), Regional Council on Human Rights in Asia (26th), Service, Justice and Peace in Latin America (24th), World University Service (24th).

290. Statements in right of reply or equivalent to right of reply were made by the representatives of India (27th), Morocco (26th) and the Philippines (27th), and by the Observer for Honduras (27th).

291. At the 48th meeting, on 2 March 1990, the representative of France introduced draft resolution E/CN.4/1990/L.41, sponsored by Austria*, Belgium, Canada, Cyprus, Denmark*, France, Gambia, Germany, Federal Republic of, Greece*, Hungary, Ireland*, Italy, Luxembourg*, Madagascar, the Netherlands*, New Zealand*, Portugal, Senegal, Spain, Sweden, Switzerland*, Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Czechoslovakia*, Japan, and Norway* subsequently joined the sponsors.

292. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.76) 1/ of draft resolution E/CN.4/1990/L.41.

293. The draft resolution was adopted without a vote.

294. For the text as adopted, see chapter II, section A, resolution 1990/30.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:
(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (c) CO-ORDINATING THE ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

295. The Commission considered agenda item 11 at its 49th to 51st meetings, held on 5 March and 6 March, and at its 53rd to 56th meetings, held on 7 and 9 March 1990. 2/

296. The Commission had before it the following documents:

Report of the Secretary-General on the development of public information activities in the fields of human rights (A/44/660 and Add.1);

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian-Pacific region (E/CN.4/1990/18 and Add.1);

Note by the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1990/19);

Report of the Secretary-General concerning the co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights (E/CN.4/1990/20);

Report of the Secretary-General on the international co-operation in solving international problems of a social, cultural, or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms (E/CN.4/1990/49);

Note by the Secretariat on the medium-term plan for the period 1992-1997 (E/CN.4/1990/54);

Note by the Secretariat relating to the activities of the Council of Europe in the field of human rights (E/CN.4/1990/65);

Letter dated 7 February 1990 from the Deputy Chief State Commissioner of Zaire addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/79);

Note verbale dated 1 March 1990 from the Permanent Representatives of Austria, Hungary, the Netherlands and Yugoslavia to the United Nations at Geneva addressed to the Under-Secretary-General (E/CN.4/1990/84);

Letter dated 1 March 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1990/85);

Note by the Chairman of the Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989 (E/CN.4/1990/91);

Letter dated 9 March 1990 from the Permanent Mission of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/92);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/2);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/39).

Written statement submitted by the World Association for the School as an Instrument of Peace, a non-governmental organization on the Roster (E/CN.4/1990/NGO/66);

Report of the Secretary-General on an in-depth evaluation of the human rights programme (E/AC.51/1990/2).

297. In the general debate on this item, 3/ statements were made by the following members of the Commission: Belgium (50th), Canada (51st), China (50th), France (46th), Germany, Federal Republic of (50th), Italy (50th), Mexico (50th), Nigeria (50th), Philippines (51st), Portugal (50th), Senegal (50th), Union of Soviet Socialist Republics (51st), United Kingdom of Great Britain and Northern Ireland (50th), United States of America (50th).

298. The Commission heard statements by the Observers for: Australia (50th), Austria (51st), Czechoslovakia (50th), Egypt (50th), Finland (50th), Ireland (50th) (on behalf of the European Economic Community and its 12 member States), Togo (50th), Tunisia (50th).

299. A statement was also made by the representative of the United Nations Educational, Scientific and Cultural Organization (50th).

300. The Commission heard statements by the following non-governmental organizations: Four Directions Council (50th), International Association of Educators for World Peace (50th), International Commission of Health Professionals for Health and Human Rights (50th), International Federation for Human Rights (50th), Latin American Federation of Associations of Relatives of Disappeared Detainees (50th), World Association for the School as an Instrument of Peace (51st), World Union for Progressive Judaism (50th), World University Service (51st).

301. At its 50th meeting, the Commission also heard joint statements made by the following non-governmental organizations: Defence for Children International on behalf of Bahá'i International Community, Defence for Children International, Friends World Committee for Consultation, Human Rights Advocates, International Abolitionist Federation, International Association Against Torture, International Association of Juvenile and Family Court Magistrates, International Association of Penal Law, International Catholic Child Bureau, International Commission of Jurists, International Council of Women, International Federation Terre des Hommes, International Federation of Social Workers, International Federation of Women in Legal Careers, International League for the Rights and Liberation of Peoples, International Movement ATD-Fourth World, La Lèche League International, Liberation, Medical Women's International Association, Save the Children Alliance, Soroptimist International, Women's International Zionist Organization, World Association of Girl Guides and Girl Scouts, World Federation of Methodist Women, World Organization for Pre-school Education, World Union for Progressive Judaism; and Grand Council of the Crees (of Quebec) (on behalf of the Grand Council of the Crees (of Quebec) and the Indian Council of South America).

302. Statements in right of reply or equivalent to right of reply were made by the representative of Cuba (50th) and the Observer for the Syrian Arab Republic (51st).

303. At the 53rd meeting, on 7 March 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

304. The representative of the Union of Soviet Socialist Republics introduced draft resolution E/CN.4/1990/L.55, sponsored by Austria*, Colombia, Ethiopia, India, the Philippines and the Union of Soviet Socialist Republics. Cyprus and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

305. The draft resolution was adopted without a vote.

306. A statement in explanation of vote after the vote was made by the representative of Japan.

307. For the text as adopted, see chapter II, section A, resolution 1990/70.

308. At the same meeting, the representative of the Philippines introduced draft resolution E/CN.4/1990/L.69, sponsored by Australia*, China, Cyprus, the Philippines and Sri Lanka. Thailand* subsequently joined the sponsors.

309. The draft resolution was adopted without a vote.

310. For the text as adopted, see chapter II, section A, resolution 1990/71.

311. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1990/L.78, sponsored by Australia*, Bolivia*, Bulgaria, the Byelorussian Soviet Socialist Republic*, Colombia, Costa Rica*, Greece*, Hungary, India, Ireland*, Italy, the Netherlands*, Peru, the Philippines, Portugal, Spain, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Bangladesh subsequently joined the sponsors.

312. In connection with this draft resolution, the representative of the United Nations Information Service made a statement.

313. The draft resolution was adopted without a vote.

314. For the text as adopted, see chapter II, section A, resolution 1990/72.

315. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1990/L.79, sponsored by Australia*, Bulgaria, the Byelorussian Soviet Socialist Republic*, Colombia, Finland*, France, Hungary, Iraq, Italy, the Philippines, Poland*, Sri Lanka, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. Madagascar and Nigeria subsequently joined the sponsors.

316. The draft resolution was adopted without a vote.

317. For the text as adopted, see chapter II, section A, resolution 1990/73.

318. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/1990/L.81, sponsored by Angola*, Australia*, Austria*, Brazil, Canada, Egypt*, France, Germany, Federal Republic of, Norway*, Poland*, Portugal, Romania*, Senegal, Sweden, Venezuela and Yugoslavia. Czechoslovakia*, Denmark*, Finland*, Honduras*, Morocco, the Philippines, Sao Tome and Principe, Spain, Swaziland, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

319. A statement in explanation of vote before the vote was made by the representative of the United States of America.

320. The draft resolution was adopted without a vote.

321. For the text as adopted, see chapter II, section A, resolution 1990/74.

322. At the 54th meeting, on 7 March 1990, the representative of Peru introduced draft resolution E/CN.4/1990/L.86, sponsored by Argentina, Bolivia*, Bulgaria, the Byelorussian Soviet Socialist Republic*, Canada, Colombia, France, Germany, Federal Republic of, Hungary, Ireland*, Italy, Madagascar, Peru, the Philippines, Portugal, Spain, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Uruguay* and Venezuela. Afghanistan* subsequently joined the sponsors.

323. A statement in explanation of vote before the vote was made by the representative of Cuba.

324. The representative of Cuba requested a vote on draft resolution E/CN.4/1990/L.86. At the request of the representative of Peru, the vote was taken by roll-call. The draft resolution was adopted by 41 votes to none, with 2 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India, Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: Cuba, Sweden.

325. Statements in explanation of vote after the vote were made by the representatives of Mexico and Sweden.

326. For the text as adopted, see chapter II, section A, resolution 1990/75.

327. At the same meeting, the representative of Hungary introduced draft resolution E/CN.4/1990/L.87, sponsored by Austria*, Gambia, Hungary, Swaziland, Sweden, Switzerland* and the Union of Soviet Socialist Republics. Czechoslovakia* subsequently joined the sponsors.

328. The draft resolution was adopted without a vote.

329. For the text as adopted, see chapter II, section A, resolution 1990/76.

330. At the same meeting, the representative of Morocco introduced draft decision E/CN.4/1990/L.89, sponsored by Greece*, Ireland* and Morocco.

331. The draft decision was adopted without a vote.

332. For the text as adopted, see chapter II, section B, decision 1990/110.

333. At the same meeting, the Commission considered draft resolution I recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. A).

334. The representative of Belgium proposed that consideration of draft resolution I, recommended by the Sub-Commission, be postponed to the forty-seventh session of the Commission. The proposal was seconded by the representative of the Philippines.

335. The proposal was adopted without a vote.

336. For the text as adopted, see chapter II, section B, decision 1990/111.

337. At the same meeting, the Chairman orally proposed a draft decision concerning the in-depth evaluation of the human rights programme of the United Nations.

338. The draft decision was adopted without a vote.

339. For the text as adopted, see chapter II, section B, decision 1990/112.

340. At the 55th meeting, on 9 March 1990, Mrs. Kongit Sinegiorgis, Chairman of the Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989, introduced her note (E/CN.4/1990/91) concerning the work of the Working Group during the forty-sixth session of the Commission.

341. At the 56th meeting, on 9 March 1990, the Chairman orally proposed a draft decision concerning the Working Group established during the forty-sixth session of the Commission, pursuant to paragraph 3 of General Assembly resolution 44/167.

342. The draft decision was adopted without a vote.

343. Statements in explanation of vote after the vote were made by the representatives of Belgium, Canada, the Federal Republic of Germany, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia.

344. For the text as adopted, see chapter II, section B, decision 1990/115.

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

345. The Commission considered agenda item 12 and sub-item 12 (a) at its 30th meeting, held on 19 February, at its 31st to 37th meetings, held from 20 to 23 February, at its 39th to 44th meetings, held from 26 to 28 February, and at its 52nd and 54th meetings (first and second parts), held on 6 and 7 March 1990. 2/ Sub-item 12 (b) was considered by the Commission in closed session, at its 24th meeting (second part), held on 14 February, 25th and 26th meetings (first part), held on 15 February, and at its 54th meeting (third part), held on 7 March 1990.

346. In connection with the consideration of item 12, the Commission had before it the following documents:

Note by the Secretary-General on human rights in southern Lebanon (A/44/573);

Note by the Secretary-General transmitting to the General Assembly the interim report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission (A/44/620);

Report of the Secretary-General on human rights and mass exoduses (A/44/622);

Note by the Secretary-General transmitting to the General Assembly the report on the protection of human rights in Chile prepared by the Special Rapporteur of the Commission (A/44/635);

Note by the Secretary-General transmitting to the General Assembly the report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission (A/44/669);

Note by the Secretary-General transmitting to the General Assembly the report on the situation of human rights in El Salvador prepared by the Special Representative of the Commission (A/44/671);

Report on the question of human rights in Chile submitted by Mr. Fernando Volio Jiménez, Special Rapporteur, pursuant to the mandate conferred under resolution 1989/62 of the Commission (E/CN.4/1990/5);

Report of the Secretary-General submitted pursuant to Commission decision 1989/110 (E/CN.4/1990/21);

Report on summary or arbitrary executions submitted by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38 (E/CN.4/1990/22 and Corr.1 and Add.1);

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1989/66 (E/CN.4/1990/24);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission resolution 1989/67 (E/CN.4/1990/25);

Final report to the Commission on Human Rights on the situation of human rights in El Salvador, submitted by the Special Representative, Mr. José Antonio Pastor Ridruejo, in pursuance of the mandate conferred by Commission resolution 1989/68 (E/CN.4/1990/26);

Report of the Secretary-General on the situation of human rights in Albania submitted pursuant to Commission resolution 1989/69 (E/CN.4/1990/27);

Report submitted on 18 December 1989 by the Special Rapporteur, Mr. Joseph Voyame, appointed in accordance with resolution 1989/75 of the Commission (E/CN.4/1990/28 and Add.1);

Letter dated 22 September 1989 from the Minister for Foreign Affairs of the Federal Republic of Germany addressed to the Chairman of the Commission (E/CN.4/1990/51);

Note by the Secretary-General on the situation in China submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/5 (E/CN.4/1990/52);

Letter dated 12 January 1990 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General (E/CN.4/1990/55);

Letter dated 18 January 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/57);

Note verbale dated 4 December 1989 from the Permanent Mission of Lebanon to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1990/60);

Notes verbale dated 19 and 22 December 1989 from the Permanent Mission of Lebanon to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1990/61, E/CN.4/1990/62);

Letter dated 22 January 1990 from the Permanent Representative of Cambodia to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/63);

Note by the Secretary-General on the situation in Union of Myanmar submitted pursuant to Commission decision 1989/112 (E/CN.4/1990/69);

Letter dated 31 January 1990 from the Minister of Foreign Affairs of Turkey addressed to the Secretary-General (E/CN.4/1990/70);

Letter dated 16 February 1990 from the Minister of Foreign Affairs of Greece addressed to the Secretary-General (E/CN.4/1990/73);

Letter dated 17 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/74);

Letter dated 18 February 1990 from the Permanent Representative of the Mission of Cuba to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/76);

Letters dated 21 and 22 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/78, E/CN.4/1990/80);

Letter dated 26 February 1990 from the Permanent Representative of Panama to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/81);

Letter dated 1 March 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/85);

Letters dated 22 February and 2 March 1990 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/87, E/CN.4/1990/89);

Letter dated 6 March 1990 from the Permanent Representative of Kenya to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/90);

Letter dated 9 March 1990 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/93);

Written statement submitted by the Arab Lawyers Union, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/1);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/3);

Written statement submitted by the Minority Rights Group, a non-governmental organization on the Roster (E/CN.4/1990/NGO/9);

Written statement submitted by Liberation, a non-governmental organization on the Roster (E/CN.4/1990/NGO/10);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/15);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/19);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/23);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/24);

Written statements submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/25, E/CN.4/1990/NGO/26);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/27);

Written statements submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/31, E/CN.4/1990/NGO/32);

Written statement submitted by the International Movement for Fraternal Union Among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/34);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/35);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/40);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/47);

Written statements submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/53, E/CN.4/1990/NGO/54);

Written statement submitted by the Institute of International Law, a non-governmental organization on the Roster (E/CN.4/1990/NGO/55);

Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/58);

Written statements submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/60, E/CN.4/1990/NGO/62);

Written statement submitted by Survival International Ltd., a non-governmental organization on the Roster (E/CN.4/1990/NGO/63);

Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/65);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I), the American Association of Jurists, the Andean Commission of Jurists, Human Rights Advocates Inc., the International Association Against Torture, the International Commission of Jurists, the International Indian Treaty Council, the International League for Human Rights, the International League for the Rights and Liberation of Peoples, the International Union of Students, the Latin American Federation of Association of Relatives of Disappeared Detainees, Pax Christi, the World University Service, non-governmental organizations in consultative status (category II), and the Indian Council of South America, and Liberation, non-governmental organizations on the Roster (E/CN.4/1990/NGO/67);

Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster (E/CN.4/1990/NGO/70);

Written statement submitted by the Latin American Federation of Associations of Relatives of Disappeared Detainees, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/71);

Written statement submitted by the Arab Lawyers Union, the Arab Organization for Human Rights, Human Rights Advocates Inc., the International Commission of Health Professionals for Health and Human Rights, the International Commission of Jurists, the International Federation of Human Rights, the International Fellowship of Reconciliation, the International League for Human Rights, the International League for the Rights and Liberation of Peoples, Pax Christi, Pax Romana and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), Liberation, the International Federation of ACAT (Action of Christians for the Abolition of Torture), the Movement against Racism and for Friendship among Peoples and the Regional Council on Human Rights in Asia, non-governmental organizations on the Roster (E/CN.4/1990/NGO/73);

Written statement submitted by Liberation, a non-governmental organization on the Roster (E/CN.4/1990/NGO/74);

Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I), the American Association of Jurists, the Anti-Slavery Society for the Protection of Human Rights, the Arab Lawyers Union, the Arab Organization for Human Rights, Human Rights Advocates Inc., Human Rights Internet, the International Association of Penal Law, the International Association for the Defence of Religious Liberty, the International Association of Educators for World Peace, the International Commission of Jurists, the International Commission of Health Professionals for Health and Human Rights, the International Federation of Human Rights, the International Fellowship of Reconciliation, the International Organization for the Elimination of All Forms of Racial Discrimination, Pax Christi, Pax Romana, Service, Justice and Peace in Latin America and the Union of Arab Jurists, non-governmental organizations in consultative status (category II), and Centre Europe - Tiers Monde, Defence for Children International, the International Federation of Rural Adult Catholic Movements, the International League for the Rights and Liberation of Peoples, the International Peace Bureau, the International Pen and World Union for Progressive Judaism, non-governmental organizations on the Roster (E/CN.4/1990/NGO/75);

Written statements submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I), the International Association Against Torture, the International Association for the Defence of Religious Liberty, the International Commission of Jurists, the International Fellowship of Reconciliation, the International Indian Treaty Council, the International League for Human Rights, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Union of Students, Pax Christi, Pax Romana and World University Service, non-governmental organizations in consultative status (category II) and the Indian Law

Resource Center, Liberation, the Minority Rights Group and the Regional Council on Human Rights in Asia, non-governmental organizations on the Roster (E/CN.4/1990/NGO/77).

347. In the general debate on item 12 as a whole 3/, statements were made by the following members of the Commission: Brazil (42nd), Bulgaria (40th), Canada (40th), China (40th), Colombia (39th), Cuba (41st), Ethiopia (42nd), India (39th), Iraq (37th), Japan (42nd and 44th), Mexico (40th), Morocco (39th), Pakistan (41st), Peru (41st), Philippines (42nd), Somalia (42nd), Sri Lanka (33rd), Sweden (37th), Union of Soviet Socialist Republics (39th), United States of America (41st), Venezuela (40th), Yugoslavia (42nd).

348. The Commission also heard statements by the Observers for: Afghanistan (41st), Angola (36th), Australia (42nd), Austria (41st), Bolivia (43rd), Burundi (39th), Cambodia (43rd), Czechoslovakia (35th), El Salvador (34th), Guatemala (39th), Indonesia (39th), Iran (Islamic Republic of) (43rd), Ireland (33rd - on behalf of the European Economic Community and its 12 member States), Israel (43rd), Lebanon (35th), Nicaragua (43rd), Norway (42nd), Romania (42nd), Sudan (42nd), Syrian Arab Republic (35th), Turkey (42nd).

349. The Commission also heard a statement by the Observer for Switzerland (42nd).

350. A statement was made by the United Nations High Commissioner for Refugees (36th).

351. A statement was also made by the representative of the International Labour Organisation (34th).

352. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (34th), Amnesty International (30th), Andean Commission of Jurists (30th), Arab Organization for Human Rights (31st), Baha'i International Community (43rd), Centre Europe-Tiers Monde (37th), Christian Democratic International (34th), Commission of the Churches on International Affairs of the World Council of Churches (36th), Disabled Peoples' International (43rd), Friends of the Earth (43rd), Grand Council of the Crees (of Quebec) (42nd), Greek Orthodox Archdiocesan Council of North and South America (33rd), Habitat International Coalition (31st), Human Rights Advocates (31st), Indian Council of South America (42nd), International Association Against Torture (33rd), International Association for the Defence of Religious Liberty (33rd), International Association of Educators for World Peace (33rd), International Commission of Health Professionals for Health and Human Rights (31st), International Commission of Jurists (33rd), International Confederation of Free Trade Unions (37th), International Council of Voluntary Agencies (37th), International Falcon Movement - Socialist Educational International (43rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (43rd), International Federation of

Free Journalists (33rd), International Federation Terre des Hommes (40th), International Federation for Human Rights (31st), International Human Rights Internship Program (44th), International Human Rights Law Group (36th), International Indian Treaty Council (43rd), International Institute of Humanitarian Law (40th), International League for Human Rights (35th), International League for the Rights and Liberation of Peoples (32nd), International Movement for Fraternal Union among Races and Peoples (37th), International Organization for the Elimination of All Forms of Racial Discrimination (39th), International Organization of Journalists (36th), International PEN (33rd), International Union of Students (40th), Latin American Federation of Associations of Relatives of Disappeared Detainees (36th), Liberal International (World Liberal Union) (37th), Liberation (32nd), Minority Rights Group (32nd), Movement against Racism and for Friendship among Peoples (34th), Pax Christi (34th), Pax Romana (32nd), Regional Council on Human Rights in Asia (34th), Service, Justice and Peace in Latin America (34th), Survival International Ltd. (34th), Union of Arab Jurists (42nd), Women's International League for Peace and Freedom (36th), World Association for World Federation (35th), World Confederation of Labour (37th), World Conference on Religion and Peace (35th), World Federation of Democratic Youth (35th), World Federation of Trade Unions (37th), World Muslim Congress (30th), World Student Christian Federation (40th) World Union for Progressive Judaism (31st) World University Service (33rd).

353. In addition joint statements were made by the following non-governmental organization: Grand Council of the Crees (of Quebec) (42nd) on behalf of: Four Directions Council, Grand Council of the Crees (of Quebec), Indian Council of South America, International Organization of Indigenous Resources Development; Habitat International Coalition (43rd) on behalf of: Disabled Peoples' International, Friends of the Earth, Human Rights Advocates, International Association of Educators for World Peace, International Association for the Defence of Religious Liberty, International Commission of Jurists, International Council of Jewish Women, International Fellowship of Reconciliation, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Union of Students, Liberation, Minority Rights Group, Pax Christi, Pax Romana, Regional Council of Human Rights in Asia, World University Service and the World Union for Progressive Judaism; International Fellowship of Reconciliation (37th) on behalf of: World University Service, World Conference on Religion and Peace, International Fellowship of Reconciliation, Pax Romana, Regional Council on Human Rights in Asia, International Union of Students and War Resisters International; International Organization for the Elimination of All Forms of Racial Discrimination (40th) on behalf of: the Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Arab Organization for Human Rights, Centre Europe - Tiers Monde, Defence for Children International, Human Rights Advocates, Human Rights Internet, International Association of Penal Law, International Association for the Defence of Religious Liberty, International Association of Educators for World Peace, International Commission of Jurists, International Commission of Health Professionals for Health and Human Rights, International Federation for Human Rights,

International Federation of Rural Adult Catholic Movement, International Fellowship of Reconciliation, International League for the Rights and Liberation of Peoples, International Peace Bureau, International PEN, Pax Christi, Pax Romana, Service, Justice and Peace in Latin America, Union of Arab Jurists, World Confederation of Labour and the World Union for Progressive Judaism.

354. The Chairman was subsequently notified by the International Federation for Human Rights and the World Union for Progressive Judaism that these two non-governmental organizations never intended to join the joint statement made by the International Organization for the Elimination of All Forms of Racial Discrimination at the 40th meeting, on 26 February 1990 (see para. 352).

355. Statements in right of reply or equivalent to right of reply were made by the representatives of China (33rd), Cuba (34th and 43rd), India (34th and 42nd), Iraq (33rd and 42nd), Pakistan (42nd), the Philippines (35th, 39th, 42nd and 44th), Sri Lanka (30th, 34th and 39th), Yugoslavia (39th); by the Observers for Cambodia (39th), El Salvador (39th), Greece (43rd and 44th), Indonesia (34th and 43rd), the Islamic Republic of Iran (43rd), Kenya (39th), Liberia (40th), the Libyan Arab Jamahiriya (42nd), Union of Myanmar (42nd), Saudi Arabia (33rd), Sudan (34th, 35th, 42nd and 44th), the Syrian Arab Republic (39th, 42nd and 43rd), Turkey (44th) and Viet Nam (39th and 42nd); and by the Observers for the Democratic People's Republic of Korea (42nd, 43rd and 44th) and the Republic of Korea (44th).

Situation of human rights in Cuba

356. On 26 February 1990, a draft resolution (E/CN.4/1990/L.36) was submitted by the United States of America, reading as follows:

"The Commission on Human Rights,

"Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106 (E/CN.4/1989/46 and Corr.1),

"Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba,

"Recalling also decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

"Noting the letter of the Secretary-General to the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining ongoing contacts, both written and oral, with the Government of Cuba on this matter,

"Gravely concerned by reports that witnesses who testified before the Commission's working group have since been subject to arrest, harassment, or other forms of reprisals by the Government of Cuba,

"Profoundly aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting and protecting human rights and fundamental freedoms,

"1. Calls upon the Government of Cuba to honour its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever;

"2. Calls once again upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission (E/CN.4/1989/46, annex XVI) and to questions related to the documents listed in annex III of the report;

"3. Requests the Secretary-General to provide the Commission, at its forty-seventh session, with the texts and results of his oral and written contacts maintained with the Government of Cuba pursuant to decision 1989/113;

"4. Decides to continue its consideration of the question of the situation of human rights in Cuba at its forty-seventh session under the agenda item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories'."

357. At the 52nd meeting, on 6 March 1990, the representative of the United States of America introduced a revised draft resolution (E/CN.4/1990/L.36/Rev.1) sponsored by Belgium, the Federal Republic of Germany, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Czechoslovakia*, Denmark*, Ireland*, Luxembourg*, the Netherlands*, Norway*, Panama, Poland* and Portugal subsequently joined the sponsors.

358. Statements relating to draft resolution E/CN.4/1990/L.36/Rev.1 were made by the representative of Cuba and the Observer for Czechoslovakia.

359. A statement in explanation of vote before the vote was made by the representative of Mexico.

360. At the request of the representative of Cuba, a roll-call vote was taken on draft resolution E/CN.4/1990/L.36/Rev.1. The draft resolution was adopted by 19 votes to 12, with 12 abstentions. The voting was as follows:

In favour: Bangladesh, Belgium, Bulgaria, Canada, France, Gambia, Germany, Federal Republic of, Hungary, Italy, Japan, Morocco, Panama, Philippines, Portugal, Senegal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Argentina, Botswana, Brazil, Colombia, Madagascar, Nigeria, Pakistan, Peru, Sao Tome and Principe, Somalia, Swaziland, Venezuela.

361. Statements in explanation of vote after the vote were made by the representatives of Brazil, Cuba, Sweden and the Union of Soviet Socialist Republics.

362. For the text as adopted, see chapter II, section A, resolution 1990/48.

Situation in China

363. In connection with this matter, the Commission had before it the following documents: E/CN.4/1990/52, E/CN.4/1990/55, E/CN.4/1990/NGO/9.

364. On 28 February 1990, a draft resolution (E/CN.4/1990/L.47) was submitted by Australia*, Belgium, Canada, Denmark*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, Norway*, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, reading as follows:

"The Commission on Human Rights,

"Recalling Sub-Commission resolution 1989/5 of 31 August 1989,

"Concerned at allegations of violations of human rights in China,

"1. Notes the summary records of the debates on this question during the forty-first session of the Sub-Commission;

"2. Further notes the Secretary-General's note (E/CN.4/1990/52) on the subject;

"3. Endorses the appeal of the Sub-Commission for clemency towards persons deprived of their liberty as a result of the events in June 1989;

"4. Welcomes, as steps in the right direction, the decisions of the Government of China in January 1990 to lift martial law in Beijing and to release 573 persons who had been detained;

"5. Urges the Government of China to continue to take measures along the same lines to ensure full observance of human rights, as affirmed in the Universal Declaration of Human Rights;

"6. Requests the Secretary-General to transmit to the forty-seventh session of the Commission on Human Rights additional information, including that provided by the Government of China."

365. At the 52nd meeting, on 6 March 1990, statements relating to the draft resolution were made by the representatives of China and Pakistan.

366. The representative of Pakistan moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1990/L.47.

367. Statements relating to the motion were made by the representatives of Cuba, the Federal Republic of Germany, Somalia, Sweden and the United States of America.

368. The representative of Pakistan requested a roll-call vote on the motion, which was adopted by 17 votes to 15, with 11 abstentions. The voting was as follows:

In favour: Bangladesh, China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Madagascar, Nigeria, Pakistan, Sao Tome and Principe, Somalia, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Belgium, Bulgaria, Canada, France, Germany, Federal Republic of, Hungary, Italy, Japan, Panama, Portugal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Botswana, Brazil, Colombia, Gambia, Mexico, Morocco, Peru, Philippines, Senegal, Venezuela.

369. For the text of the decision, see chapter II, section B, decision 1990/106.

Situation of human rights in Albania

370. In connection with this matter, the Commission had before it the following documents: E/CN.4/1990/27, E/CN.4/1990/57, E/CN.4/1990/74, E/CN.4/1990/78, E/CN.4/1990/80.

371. At the 52nd meeting, on 6 March 1990, the representative of Portugal introduced draft resolution E/CN.4/1990/L.53, sponsored by Belgium, Canada, Luxembourg*, Morocco, the Netherlands*, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland. The United States of America subsequently joined the sponsors.

372. The representative of Cuba requested a vote on draft resolution E/CN.4/1990/L.53.

373. The draft resolution was adopted by 27 votes to 3, with 12 abstentions.

374. For the text as adopted, see chapter II, section A, resolution 1990/49.

Human rights situation in Romania

375. In connection with this matter, the Commission had before it document E/CN.4/1990/28 and Add.1.

376. At the 41st meeting, on 27 February 1990, the Special Rapporteur, Mr. J. Voyame, introduced his report (E/CN.4/1990/28 and Add.1) to the Commission.

377. On 1 March 1990, a draft resolution (E/CN.4/1990/L.60) was submitted by Australia*, Canada, France, Germany, Federal Republic of, Hungary, Luxembourg*, the Netherlands*, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland, reading as follows:

"The Commission on Human Rights,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

"Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

"Recalling its resolution 1989/75 of 9 March 1989 establishing a special rapporteur with the mandate to examine the human rights situation in Romania,

"Recognizing that recent events have created new and improved prospects for the human rights situation in that country,

"Recognizing also the need to promote a climate favourable to establishing a social order based on full respect for human rights in Romania,

"Welcoming the positive attitude of the Government of Romania towards the Special Rapporteur and its willingness to continue to co-operate with him,

"Convinced that the continued services of the Special Rapporteur will be of benefit to the Government of Romania and people during the present period of transition towards full respect for human rights and fundamental freedoms in Romania,

"1. Takes note with appreciation of the reports of the Special Rapporteur (E/CN.4/1990/28 and Add.1);

"2. Takes note of the considerable improvement in respect for human rights that has taken place in Romania;

"3. Recommends that the Romanian authorities continue their action to ensure that human rights in all their aspects are respected in their country, both de jure and de facto, and pay particular attention to the points raised in the Special Rapporteur's latter report (E/CN.4/1990/28 and Add.1);

"4. Also recommends that the Romanian authorities consider the possibility of using the United Nations Voluntary Fund for Advisory Services as suggested by the Special Rapporteur in his report;

"5. Decides to extend the mandate of the Special Rapporteur for a further year;

"6. Requests the Special Rapporteur to report to the Commission at its forty-seventh session;

"7. Takes note with appreciation of the readiness of the Government of Romania to co-operate with the Commission and its Special Rapporteur;

"8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions;

"9. Decides to continue its consideration of the human rights situation in Romania at its forty-seventh session under the agenda item entitled 'Questions of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories'."

378. At the 52nd meeting, on 6 March 1990, the representative of Sweden introduced a revised draft resolution (E/CN.4/1990/L.60/Rev.1), sponsored by Australia*, Canada, France, Germany, Federal Republic of, Hungary, Luxembourg*, the Netherlands*, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland.

379. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.64) 1/ of draft resolution E/CN.4/1990/L.60/Rev.1.

380. At the same meeting, the draft resolution was adopted without a vote.

381. For the text as adopted, see chapter II, section A, resolution 1990/50.

382. A statement was made by the Observer for Romania after the vote.

Summary or arbitrary executions

383. In connection with this matter, the Commission had before it the following documents: E/CN.4/1990/22 and Corr.1 and Add.1, E/CN.4/1990/NGO/62, E/CN.4/1990/NGO/73.

384. At the 34th meeting, on 21 February 1990, the Special Rapporteur, Mr. S. Amos Wako, introduced his report (E/CN.4/1990/22 and Corr.1 and Add.1) to the Commission.

385. At the 52nd meeting, on 6 March 1990, the representative of Sweden introduced draft resolution E/CN.4/1990/L.67, sponsored by Belgium, Canada, Cyprus, Denmark*, Finland*, France, Gambia, Greece*, Italy, Luxembourg*, the Netherlands*, New Zealand*, Norway*, Spain, Sweden, Switzerland*, Togo* and the United Kingdom of Great Britain and Northern Ireland.

386. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.93) 1/ of draft resolution E/CN.4/1990/L.67.

387. At the same meeting, the draft resolution was adopted without a vote.

388. For the text as adopted, see chapter II, section A, resolution 1990/51.

Human rights and mass exoduses

389. In connection with this matter, the Commission had before it the following documents: A/44/622 and E/CN.4/1990/NGO/3.

390. At the 52nd meeting, on 6 March 1990, the representative of Canada introduced draft resolution E/CN.4/1990/L.74, sponsored by Australia*, Brazil, Canada, Colombia, Costa Rica*, Côte d'Ivoire*, France, Gambia, Germany, Federal Republic of, Hungary, Ireland*, Italy, Japan, Jordan*, Morocco, New Zealand*, Norway*, Pakistan, the Philippines, Poland*, Senegal, Sweden, Turkey* and the United States of America. Austria* subsequently joined the sponsors.

391. At the same meeting, the draft resolution was adopted without a vote.

392. For the text as adopted, see chapter II, section A, resolution 1990/52.

Situation of human rights in Afghanistan

393. In connection with this matter, the Commission had before it the following documents: A/44/669 and E/CN.4/1990/25.

394. At the 31st meeting, on 20 February 1990, the Special Rapporteur, Mr. F. Ermacora, introduced his report (E/CN.4/1990/25) to the Commission.

395. At the 52nd meeting, on 6 March 1990, the representative of Italy introduced draft resolution E/CN.4/1990/L.80, sponsored by Australia*, Belgium, Canada, Denmark*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, Norway*, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

396. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.91) 1/ of draft resolution E/CN.4/1990/L.80.

397. At the same meeting, the draft resolution was adopted without a vote.

398. For the text as adopted, see chapter II, section A, resolution 1990/53.

Situation of human rights in southern Lebanon

399. In connection with this matter, the Commission had before it the following documents: E/CN.4/1990/60, E/CN.4/1990/61, E/CN.4/1990/63, E/CN.4/1990/NGO/24.

400. At the 52nd meeting, on 6 March 1990, the observer for Lebanon introduced draft resolution E/CN.4/1990/L.84, sponsored by Bahrain*, Bangladesh, the Byelorussian Soviet Socialist Republic*, Democratic Yemen*, Egypt*, India, the Islamic Republic of Iran*, Jordan*, Kuwait*, Lebanon*, Morocco, Pakistan, Qatar*, Somalia, Sudan* and the Ukrainian Soviet Socialist Republic. Algeria*, Cuba, Saudi Arabia* and Tunisia* subsequently joined the sponsors.

401. Statements relating to the draft resolution were made by the representative of the United States of America and by the Observers for Israel and the Syrian Arab Republic.

402. The representative of the United States of America requested a roll-call vote on draft resolution E/CN.4/1990/L.84. The draft resolution was adopted by 41 votes to 1, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India, Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela and Yugoslavia.

Against: United States of America.

Abstaining: Swaziland.

403. For the text as adopted, see chapter II, section A, resolution 1990/54.

404. Statements were made by the Observers for Lebanon and the Syrian Arab Republic after the vote.

Situation of human rights in Guatemala

405. In connection with this matter, the Commission had before it the following documents: E/CN.4/1990/NGO/47 and E/CN.4/1990/NGO/53.

406. On 28 February 1990, a draft resolution (E/CN.4/1990/L.52) was submitted by Australia*, Canada, Denmark*, Ireland*, Luxembourg*, the Netherlands*, Norway* and Sweden, reading as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

"Recalling past resolutions on the situation of human rights in Guatemala,

"Having considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22), the report of the Special Rapporteur on torture (E/CN.4/1990/17) and the report of the Expert, Mr. Hector Gros Espiell (E/CN.4/1990/45),

"1. Expresses its appreciation to the Government of Guatemala for its collaboration with the Commission on Human Rights, as well as the facilities and co-operation afforded to the Expert;

"2. Recognizes that the Government of Guatemala has reiterated its commitment to guarantee and promote the protection of human rights and fundamental freedoms;

"3. Expresses its serious concern at the continuing reports of serious violations of human rights in Guatemala;

"4. Decides to request its Chairman to appoint, after consultations with the Bureau, a representative of the Commission with the mandate to study the situation of human rights in Guatemala;

"5. Authorizes the representative to seek relevant information from the Government of Guatemala, specialized agencies and intergovernmental and non-governmental organizations;

"6. Requests the representative to present a preliminary report to the General Assembly at its forty-fifth session, and a report to the Commission at its forty-seventh session;

"7. Urges the Government of Guatemala to extend its co-operation to the Commission and its representative;

"8. Requests the Secretary-General to provide all necessary assistance to the representative to enable him or her to carry out his or her mandate in the best possible conditions;

"9. Decides to continue its consideration of the human rights situation in Guatemala at its forty-seventh session under the agenda item entitled 'Questions of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories'."

407. On 2 March 1990, a revised draft resolution (E/CN.4/1990/L.52/Rev.1) was submitted by Australia*, Belgium, Canada, Denmark*, Ireland*, Luxembourg*, the Netherlands*, Norway*, Spain and Sweden. The text of this draft was identical to that of draft resolution E/CN.4/1990/L.52.

408. At the 54th meeting, on 7 March 1990, the representative of Sweden, on behalf of the sponsors, withdrew draft resolution E/CN.4/1990/L.52/Rev.1.

Situation of human rights in El Salvador

409. In connection with this matter, the Commission had before it the following documents: A/44/671, E/CN.4/1990/26, E/CN.4/1990/NGO/25, E/CN.4/1990/NGO/27, E/CN.4/1990/NGO/60.

410. At the 30th meeting, on 19 February 1990, the Special Representative, Mr. J. A. Pastor Ridruejo, introduced his report (E/CN.4/1990/26) to the Commission.

411. On 2 March 1990, a draft resolution (E/CN.4/1990/L.75) was submitted by Argentina, Brazil, Colombia, Mexico, Peru and Venezuela, reading as follows:

"The Commission on Human Rights,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and by the humanitarian standards laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto of 1977,

"Reaffirming that the Governments of all Member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have assumed under the relevant international instruments,

"Noting with satisfaction that the Special Representative indicates in his report (E/CN.4/1990/26) that respect for human rights and dialogue for peace are fundamental components of the policy of the Government of El Salvador, although he points out that that policy has not yet yielded the desired results,

"Recalling that, since 1980, the General Assembly has been expressing its deep concern at the situation of human rights in El Salvador, as stated in its resolution 44/165 of 15 December 1989,

"Bearing in mind Commission resolution 32 (XXXVII) of 11 March 1981, in which it decided to appoint a Special Representative on the situation of human rights in El Salvador, and subsequent resolutions on this question, including resolution 1989/68 of 8 March 1989, whereby it extended the mandate of the Special Representative for another year,

"Considering that the continuing armed conflict in El Salvador is of a non-international character and that the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto of 1977,

"Alarmed that, despite the encouraging signs that emerged from the meetings which were held at Mexico City and San José, Costa Rica, in September and October 1989 with the participation of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the worsening of the conflict and the resurgence of violence have seriously affected the enjoyment of human rights and fundamental freedoms of the Salvadorian people,

"Deeply concerned that, as indicated by the Special Representative, the number of serious and even mass violations of human rights committed for political motives is continuing to rise and that, in particular,

there has been a recrudescence of torture, detentions and summary executions have increased, and disappearances, abductions, attacks on the economic infrastructure and breaches of the humanitarian standards applicable to warfare have continued,

"Highly indignant at the mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces,

"Concerned that, in the context of the Salvadorian conflict, the Special Representative indicates in his report that numerous sources continue to ascribe responsibility for summary executions and other grave human rights violations to the so-called 'death squads',

"Also concerned that, in the context of the Salvadorian conflict, the Special Representative draws attention in his report to the occurrence of indiscriminate actions in towns and cities, resulting in deaths and injuries to civilians, carried out by the Frente Farabundo Martí para la Liberación Nacional, and to actions by violent commandos independent of the FMLN,

"Regretting that there has been a disturbing increase in attacks and threats against various members of the ecclesiastical hierarchy, numerous leaders, members and headquarters of political, trade union and peasant organizations, relatives of members of the armed forces and civil servants and their relatives,

"Observing that legal proceedings have been instituted in respect of some summary executions, including that of the members of the Central American University, but that there has been no progress in the case of the murder of Monsignor Romero in 1980 and that there is an urgent need to find and punish those responsible for many other recent human rights violations, such as the murders of the Minister of the Office of the President, the Government Attorney and high-ranking political leaders and the fatal mass attack against a trade union federation,

"Convinced that fulfilment of the commitments assumed by the Government of El Salvador in the agreement on "Procedure for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and in the joint declarations of the five Central American Presidents (Alajuela, Costa Rica; Costa del Sol, El Salvador; Tela, Honduras; and San Isidro de Coronado, Costa Rica) provide the necessary framework for the promotion, respect and realization of human rights and fundamental freedoms and will contribute decisively to encouraging the democratization and strengthening of the peace process in the region,

"Noting with approval that, on the basis of Security Council resolution 637 (1989), the Secretary-General of the United Nations has begun to lend his good offices to the Government of El Salvador and the

Frente Farabundo Martí para la Liberación Nacional with a view to the resumption and successful conclusion of the process of dialogue,

"Aware that the process of pursuing a political solution to the Salvadorian conflict can be cut short if external forces do not support the achievement of fair and lasting agreements but instead seek in any way to intensify or prolong the armed conflict, with ensuing grave effects on the situation of human rights and economic recovery in El Salvador,

"1. Commends the Special Representative for his report on the situation of human rights in El Salvador (E/CN.4/1990/26);

"2. Expresses its serious concern at the increase in the number of grave, politically motivated violations of human rights, such as summary executions, torture and abductions, and at the persistence of enforced disappearances;

"3. Also expresses its deepest concern at the worsening of the armed conflict, which in November 1989 led to a fresh outbreak of violence, bombings and the indiscriminate use of heavy weapons in densely populated areas, causing numerous civilian casualties and substantial damage;

"4. Also expresses its serious concern at the systematic attacks on the economic infrastructure, which severely impair the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

"5. Condemns the murder of the Rector and seven other members of the Central American University, acknowledges that the Government of El Salvador has brought several persons suspected of perpetrating this abominable crime before the courts and hopes that it will continue to investigate this crime in order that all the culprits may be punished;

"6. Regrets the fact that the so-called 'death squads' in El Salvador are continuing to commit serious human rights violations with impunity;

"7. Also regrets that the indiscriminate actions by the Frente Farabundo Martí para la Liberación Nacional in towns and cities, as well as the actions by violent commandos independent of the FMLN, also represent serious and unpunished violations of human rights;

"8. Also expresses its deep concern at the continued unsatisfactory capacity of the judicial system, despite the efforts of the Government of El Salvador to determine the responsibility of persons committing serious violations of human rights, and therefore urges the competent authorities to hasten the adoption of the reforms and measures necessary for ensuring its efficiency;

"9. Calls upon the Government of El Salvador, the Frente Farabundo Martí para la Liberación Nacional and all the country's political powers, agencies and forces to take immediate measures, as recommended by the Special Representative, to put an end to attempts on human life, integrity and dignity, both in non-combat situations and in or as a result of combat;

"10. Requests the parties to the conflict to guarantee respect for the humanitarian standards applicable to non-international armed conflicts such as that in El Salvador, especially to protect the civilian population, the war-wounded and persons deprived of their freedom for reasons connected with the conflict, at all times to allow the immediate evacuation of war-wounded and war-injured for prompt medical attention, and under all circumstances to provide any type of support needed from either of the parties by medical or health staff in order to conduct their activities;

"11. Offers its full support to the good offices mission of the Secretary-General of the United Nations with a view to achieving the resumption and successful conclusion of the dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the basis of Security Council resolution 637 (1989);

"12. Strongly appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to use the good offices of the Secretary-General to endeavour to achieve, as rapidly as possible, a negotiated political solution to the armed conflict that will encourage the existence and strengthening of a democratic, pluralist and participatory process involving the promotion and respect of the human rights of the Salvadorian people, in particular the right freely to choose its own political, economic and social system without external interference of any kind;

"13. Reiterates its appeal to all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the armed conflict, to encourage the conclusion of a just and lasting peace;

"14. Repeats its request that the bodies and organizations of the United Nations system, on the basis of General Assembly resolution 44/165 and Commission on Human Rights resolution 1989/68, should provide such advice and assistance in the promotion and protection of human rights and fundamental freedoms as the Government of El Salvador may request from them;

"15. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict,

and urges the competent authorities to make every effort to ensure that such persons are assisted in respect of their most basic needs and to prevent acts of violence against them or their settlements;

"16. Decides to consider at its forty-seventh session the situation of human rights in El Salvador and the mandate of the Special Representative, taking account of developments in the situation of human rights in that country;

"17. Decides to extend the mandate of the Special Representative for another year and requests him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session."

412. At the 54th meeting, on 7 March 1990, the representative of Peru introduced a revised draft resolution (E/CN.4/1990/L.75/Rev.1) sponsored by Argentina, Brazil, Colombia, France, Greece*, Ireland*, Mexico, Peru, Spain and Venezuela. Belgium, Portugal and Uruguay* subsequently joined the sponsors.

413. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.92) 1/ of draft resolution E/CN.4/1990/L.75/Rev.1.

414. A statement relating to the draft resolution was made by the representative of Senegal.

415. At the same meeting, the draft resolution was adopted without a vote.

416. A statement in explanation of vote after the vote was made by the representative of the United States of America.

417. For the text as adopted, see chapter II, section A, resolution 1990/77.

418. A statement was made by the Observer for El Salvador after the vote.

Situation of human rights in Chile

419. In connection with this matter, the Commission had before it the following documents: A/44/635, E/CN.4/1990/5, E/CN.4/1990/51, E/CN.4/1990/NGO/15.

420. At the 39th meeting, on 26 February 1990, the Special Rapporteur, Mr. F. Volio Jiménez introduced his report (E/CN.4/1990/5) to the Commission.

421. At the 54th meeting, on 7 March 1990, the representative of Mexico introduced draft resolution E/CN.4/1990/L.94, sponsored by Australia*, Colombia, Denmark*, France, Greece*, Luxembourg*, Mexico, the Netherlands*, Norway*, Portugal, Spain, Sweden, and Venezuela. Cuba, Peru and Uruguay* subsequently joined the sponsors.

422. A statement relating to the draft resolution was made by the representative of Senegal.

423. The draft resolution was adopted without a vote.

424. A statement in explanation of vote after the vote was made by the representative of the United States of America.

425. For the text as adopted, see chapter II, section A, resolution 1990/78.

Situation of human rights in the Islamic Republic of Iran

426. In connection with this matter, the Commission had before it the following documents: A/44/620, E/CN.4/1990/24, E/CN.4/1990/NGO/35.

427. At the 41st meeting, on 27 February 1990, the Special Rapporteur, Mr. R. Galindo Pohl, introduced his report (E/CN.4/1990/24) to the Commission.

428. At the 54th meeting, held on 7 March 1990, the Commission took up consideration of draft resolution E/CN.4/1990/L.98, sponsored by Australia*, Belgium, Canada, Denmark*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Luxembourg*, the Netherlands*, Norway*, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland.

429. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.103) 1/ of draft resolution E/CN.4/1990/L.98.

430. Statements relating to the draft resolution were made by the representatives of the Federal Republic of Germany, Japan, Senegal and the United States of America, and by the Observers for Austria and the Islamic Republic of Iran.

431. The draft resolution was adopted without a vote.

432. A statement in explanation of vote after the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

433. For the text as adopted, see chapter II, section A, resolution 1990/79.

434. A statement was made by the Observer for the Islamic Republic of Iran after the vote.

A. Question of human rights in Cyprus

435. In connection with agenda item 12 (a), the Commission had before it document E/CN.4/1990/21.

436. Statements were made 3/ by the following members of the Commission: Argentina (40th), Botswana (36th), Bulgaria (31st), China (42nd), Cuba (31st), Cyprus (31st), Ethiopia (31st), Ghana (37th), India (31st), Japan (42nd), Madagascar (39th), Mexico (40th), Nigeria (31st), Pakistan (41st), Sri Lanka (31st), Ukrainian Soviet Socialist Republic (31st), Union of Soviet Socialist Republics (39th), Yugoslavia (31st).

437. The Commission also heard statements by the Observers for: Algeria (43rd), Angola (36th), Austria (41st), Bolivia (43rd), Czechoslovakia (35th), Greece (39th), Ireland (33rd) (on behalf of the European Economic Community and its 12 member States), Syrian Arab Republic (35th).

438. A statement was also made by the Greek Orthodox Archdiocesan Council of North and South America (33rd).

439. Statements in right of reply or equivalent to right of reply were made by the representative of Cyprus (40th) and the Observers for Greece (43rd) and Turkey (39th and 44th).

440. At the 44th meeting, on 28 February 1990, the Chairman proposed that the debate on agenda item 12 (a) should be postponed to the forty-seventh session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The Observer for Turkey requested that his reservations with regard to the previous resolutions of the Commission be placed on record.

441. The Commission adopted the draft decision without a vote.

442. For the text as adopted, see chapter II, section B, decision 1990/104.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-fifth session

443. The Commission considered agenda sub-item 12 (b) in closed session at its 24th meeting (second part), held on 14 February, at its 25th to 26th meetings (first part), held on 15 February, and at its 54th meeting (third part), held on 7 March 1990. It examined the human rights situations in Brunei Darussalam, Haiti, the Union of Myanmar, Paraguay and Somalia under

Economic and Social Council resolution 1503 (XLVIII), as publicly announced by the Chairman after the closed part of the 26th and 54th meetings. The Chairman also announced that the human rights situations in Brunei Darussalam, Haiti and Paraguay were no longer under consideration by the Commission under Council resolution 1503 (XLVIII).

444. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

445. Since 1974, the Commission has annually, with the approval of the Economic and Social Council, set up a working group (Working Group on Situations) to assist the Commission in discharging its functions under the procedure governed by Council resolution 1503 (XLVIII).

446. At the 53rd meeting, on 7 March 1990, the representative of Portugal introduced draft resolution E/CN.4/1990/L.56, sponsored by Bangladesh, Bulgaria, Gambia, Peru and Portugal.

447. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.95) 1/ of draft resolution E/CN.4/1990/L.56.

448. The draft resolution was adopted without a vote.

449. A statement in explanation of vote after the vote was made by the representative of Japan.

450. For the text as adopted, see chapter II, section A, resolution 1990/55.

451. At the 56th meeting, on 9 March 1990, the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission had been designated to serve in their personal capacity on the Working Group on Situations meeting prior to the forty-seventh session in 1991, subject to the approval by the Economic and Social Council of the draft resolution contained in resolution 1990/55 (for the text, see chap. I, sect. A, draft resolution VIII):

Mr. Goetz-Alexander Martius (Federal Republic of Germany)
Mr. Todor Ditchhev (Bulgaria)
Mr. Oswaldo de Rivero Barreto (Peru)
Mr. Daode Zhan (China)
Mr. El Ghali Benhima (Morocco).

XIII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS
AND DIGNITY OF ALL MIGRANT WORKERS

452. The Commission considered agenda item 13 at its 51st and 52nd meetings, held on 6 March 1990. 2/

453. The Commission had before it the reports of the General Assembly's Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/44/1 and A/C.3/44/4).

454. In the general debate on this item, 3/ statements were made by the following members of the Commission: Mexico (51st), Philippines (51st).

455. The Commission also heard statements by the Observers for Algeria (51st), Finland (51st) and Tunisia (51st).

456. A statement was also made by the following non-governmental organization: International Indian Treaty Council (51st).

457. At the 52nd meeting, on 6 March 1990, the representative of Mexico introduced draft resolution E/CN.4/1990/L.59, sponsored by Algeria*, Argentina, Bangladesh, Bolivia*, Brazil, China, Colombia, Cuba, Egypt*, Greece*, India, Italy, Mexico, Morocco, Nicaragua*, Pakistan, Peru, the Philippines, Portugal, Senegal, Tunisia*, Turkey*, Yugoslavia. Lebanon* and Madagascar subsequently joined the sponsors.

458. The draft resolution was adopted without a vote.

459. A statement in explanation of vote after the vote was made by the representative of the Federal Republic of Germany.

460. For the text as adopted, see chapter II, section A, resolution 1990/44.

XIV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

461. The Commission considered agenda item 14 at its 45th and 46th meetings, held on 1 March, and at its 52nd meeting, held on 6 March 1990. 2/

462. The Commission had before it the following documents:

Note by the Secretary-General on the information to be submitted by the United Nations University pursuant to Commission resolution 1988/59 (E/CN.4/1990/29);

Report of the Secretary-General prepared in accordance with Commission resolution 1988/60 (E/CN.4/1990/30);

Report of the Working Group on the Draft Body of Principles and Guarantees for the Protection of Mentally-ill Persons and for the Improvement of Mental Health Care (E/CN.4/1990/31);

Report of the Secretary-General on principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder, prepared in accordance with Commission resolution 1989/40 (E/CN.4/1990/53 and Add.1-4);

Revised version of the guidelines for the regulation of computerized personal data files prepared by Mr. Louis Joinet, Special Rapporteur, in accordance with General Assembly resolution 44/132 (E/CN.4/1990/72);

Letter dated 1 March 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1990/85);

Written statement submitted by the World Federation of Mental Health, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/29).

463. At the 45th meeting, on 1 March 1990, the Chairman-Rapporteur of the open-ended Working Group established under Commission resolution 1989/40 of 6 March 1989, entitled "Principles and guarantees for the protection of persons detained on the grounds of mental ill-health or suffering from mental disorder", Mr. H. Steele (United Kingdom of Great Britain and Northern Ireland), introduced the group's report (E/CN.4/1990/31).

464. In the general debate on this item, 3/ statements were made by the following members of the Commission: Brazil (46th), Philippines (45th), Senegal (46th), Ukrainian Soviet Socialist Republic (46th), Union of Soviet Socialist Republics (46th), Yugoslavia (45th).

465. The Commission heard statements by the Observers for: Australia (46th), Byelorussian Soviet Socialist Republic (46th), Libyan Arab Jamahiriya (46th).

466. A statement was also made by the representative for the World Health Organization (46th).

467. The Commission heard statements by the following non-governmental organizations: Disabled Peoples International (46th), Four Directions Council (46th), International Federation for Human Rights (46th), International Fellowship of Reconciliation (46th), International Indian Treaty Council (46th), International League for Human Rights (46th), International Movement for Fraternal Union among Races and Peoples (46th), Latin American Federation of Associations of Relatives of Disappeared Detainees (45th), World Federation for Mental Health (45th), World Movement of Mothers (45th).

468. At the 52nd meeting, on 6 March 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

469. The representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1990/L.54, sponsored by Australia*, the Byelorussian Soviet Socialist Republic*, Costa Rica*, Gambia, Germany, Federal Republic of, Italy, Peru, the Philippines, Spain, Togo*, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Zaire* and Zimbabwe*.

470. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.96) 1/ of draft resolution E/CN.4/1990/L.54.

471. The draft resolution was adopted without a vote.

472. For the text as adopted, see chapter II, section A, resolution 1990/38.

473. At the same meeting, the representative of Japan introduced draft resolution E/CN.4/1990/L.57, sponsored by Japan and Yugoslavia.

474. The draft resolution was adopted without a vote.

475. For the text as adopted, see chapter II, section A, resolution 1990/39.

476. At the same meeting, the Observer for the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1990/L.61, sponsored by Argentina, Bulgaria, the Byelorussian Soviet Socialist Republic*, Colombia, the German Democratic Republic*, Hungary, Morocco, Panama, Peru, Poland*, Romania*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Algeria*, Bolivia*, Cameroon*, Cuba, Madagascar and Mongolia* subsequently joined the sponsors.

477. The draft resolution was adopted without a vote.

478. For the text as adopted, see chapter II, section A, resolution 1990/40.

479. On 1 March 1990, a draft resolution (E/CN.4/1990/L.63) was submitted by Algeria*, Bulgaria, the Byelorussian Soviet Socialist Republic*, Cyprus*, Czechoslovakia*, France, the German Democratic Republic*, Madagascar, Mongolia*, Nigeria, Peru, Poland*, Senegal, the Ukrainian Soviet Socialist Republic and Viet Nam* reading as follows:

"The Commission on Human Rights,

"Noting that scientific and technological progress is one of the decisive factors in the development of human society,

"Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

"Aware that increasing environmental degradation caused by the negative influence of scientific and technological development has led in some cases to irreversible changes in the environment, which threaten life-sustaining ecosystems and undermine health, well-being, development prospects and the very survival of life on the planet,

"Convinced that the preservation of life-sustaining ecosystems under conditions of rapid scientific and technological development is of vital importance for the protection of the human species and the promotion of human rights,

"Noting that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions,

"Also noting that the States parties to the International Covenant on Economic, Social and Cultural Rights recognized the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and agree, for that purpose, to take the steps necessary for the improvement of all aspects of environmental and industrial health,

"Recalling General Assembly resolution 44/228 of 22 December 1989 on a United Nations Conference on Environment and Development to be held in Brazil in 1992,

"Noting decision 1989/108 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities entitled 'Human rights and the environment',

"1. Welcomes the decision of the Sub-Commission to have a note prepared for its forty-second session on methods by which a study on the problems of the environment and its relation to human rights could be made;

"2. Requests the Secretary-General to transmit this resolution to the Preparatory Committee of the United Nations Conference on Environment and Development, and to keep the Committee duly informed of the work in this field."

480. At the 52nd meeting, on 6 March 1990, the representative of the Ukrainian Soviet Socialist Republic introduced a revised draft resolution (E/CN.4/1990/L.63/Rev.1), sponsored by Algeria*, Bulgaria, the Byelorussian Soviet Socialist Republic*, China, Cyprus, Czechoslovakia*, France, the German Democratic Republic*, Greece*, Madagascar, Mongolia*, Nigeria, Peru, Poland*, Senegal, the Ukrainian Soviet Socialist Republic and Viet Nam*. Iraq, the Philippines, Romania* and Swaziland subsequently joined the sponsors.

481. A statement in explanation of vote before the vote was made by the representative of the United States of America.

482. At the request of the representative of the United States of America, a vote was taken on draft resolution E/CN.4/1990/L.63/Rev.1. The draft resolution was adopted by 40 votes to none, with 2 abstentions.

483. A statement in explanation of vote after the vote was made by the representative of Japan.

484. For the text as adopted, see chapter II, section A, resolution 1990/41.

485. At the same meeting, the representative of France introduced draft resolution E/CN.4/1990/L.65, sponsored by France, Luxembourg* and the United Kingdom of Great Britain and Northern Ireland.

486. The draft resolution was adopted without a vote.

487. For the text as adopted, see chapter II, section A, resolution 1990/42.

488. At the same meeting, the Commission considered draft resolution II recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap.1, sect. A).

489. The representative of Brazil proposed an amendment (E/CN.4/1990/L.51) to draft resolution II, submitted by Argentina, Brazil, Colombia, Mexico, Peru and Venezuela, reading as follows:

"In the sixth preambular paragraph, replace the words 'the right to live in a sound and healthy environment and consequently the right to health' by the words 'and the right to the highest attainable standard of health, including in its environmental aspects'."

490. The amendment was accepted by the Commission.

491. A statement in explanation of vote before the vote was made by the representative of the United States of America.

492. At the request of the representative of the United States of America a vote was taken on draft resolution II, as amended, which was adopted by 31 votes to none, with 11 abstentions.

493. For the text as adopted, see chapter II, section A, resolution 1990/43.

XV. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

494. The Commission considered item 15 concurrently with items 5, 6 and 16 (see chaps. V, VI and XVI) at its 10th to 16th meetings, held from 5 to 8 February, and at its 38th meeting, held on 23 February 1990. 2/

495. The Commission had before it the following documents:

Note by the Secretary-General concerning the status of the Convention and of the submission of reports by States parties under article VII of the Convention (E/CN.4/1990/32);

Reports submitted by State parties under article VII of the Convention (E/CN.4/1990/32/Add.1-6);

Note by the Secretary-General transmitting the views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission resolution 1989/8 (E/CN.4/1990/34 and Add.1 and 2);

Report of the Group of Three established under the Convention (E/CN.4/1990/35);

Written statement submitted by Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/51).

496. At the 10th meeting, on 5 February 1990, Mr. V. Vassilenko, Chairman-Rapporteur of the Group of Three, introduced the report of the Group on its thirteenth session (E/CN.4/1990/35).

497. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (13th), Belgium (12th), Bulgaria (13th), Canada (13th), China (14th), Ethiopia (15th), France (13th), Germany, Federal Republic of (13th), Ghana (14th), Morocco (13th), Nigeria (11th), Pakistan (16th), Peru (14th), Philippines (12th), Portugal (14th), Union of Soviet Socialist Republics (14th), Venezuela (13th), Yugoslavia (16th).

498. The Commission also heard statements by the Observers for: Czechoslovakia (12th), Egypt (13th), German Democratic Republic (15th), Guatemala (14th), Syrian Arab Republic (11th), Togo (13th).

499. Statements were also made by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (13th), International Federation Terre des Hommes (11th).

500. At its 38th meeting, on 23 February 1990, the Commission took up consideration of the draft resolution submitted under agenda item 15.

501. On 15 February 1990, a draft resolution (E/CN.4/1990/L.17) was submitted by Angola*, Egypt*, Ethiopia, Ghana, Kenya*, the Libyan Arab Jamahiriya*, Nigeria, Senegal, Sudan*, Swaziland and the United Republic of Tanzania*.

502. At the 38th meeting, on 23 February 1990, the Observer for the Libyan Arab Jamahiriya introduced draft resolution E/CN.4/1990/L.17/Rev.1, sponsored by Angola*, Egypt*, Ethiopia, Ghana, Kenya*, the Libyan Arab Jamahiriya*, Nigeria, Senegal, Sudan*, Swaziland, the United Republic of Tanzania* and Zimbabwe*. Algeria*, Cuba, India, Iraq, Madagascar, Mexico, Nicaragua*, the Syrian Arab Republic* and Tunisia* subsequently joined the sponsors. Draft resolution E/CN.4/1990/L.17/Rev.1 contained a new operative paragraph 17 and consequently paragraphs 17 to 19 of draft resolution E/CN.4/1990/L.17 were renumbered.

503. The representative of the Federal Republic of Germany requested a separate roll-call vote on the sixth, seventh, ninth and twelfth preambular paragraphs and operative paragraphs 9, 10, 15 and 16. The sixth, seventh, ninth and twelfth preambular paragraphs and operative paragraphs 9, 10, 15 and 16 were adopted by 30 votes to 7, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Hungary, Italy, Japan, Spain, Sweden.

504. The representative of the United Kingdom of Great Britain and Northern Ireland requested a separate roll-call vote on the thirteenth preambular paragraph. The thirteenth preambular paragraph was adopted by 26 votes to 8, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Japan, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Bulgaria, Hungary, Italy, Spain, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

505. The representative of the Ukrainian Soviet Socialist Republic made a statement in explanation of vote after the vote on the thirteenth preambular paragraph.

506. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.17/Rev.1 as a whole. The draft resolution was adopted by 32 votes to 2, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden.

507. Statements in explanation of vote after the vote were made by the representatives of Botswana, Bulgaria, the Federal Republic of Germany, Italy, Panama, the Union of Soviet Socialist Republics and the United States of America.

508. For the text as adopted, see chapter II, section A, resolution 1990/12.

509. At the 56th meeting, on 9 March 1990, the Chairman announced that the members of the Commission who were to serve on the Group of Three, in accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, would be designated at a later date, upon completion of consultations.

XVI. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION; IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

510. The Commission considered agenda item 16 concurrently with items 5, 6 and 15 (see chaps. V, VI and XV) at its 10th to 16th meetings, held from 5 to 8 February, and at its 38th meeting, held on 23 February 1990. 2/

511. The Commission had before it the following documents:

Report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1990/36);

Annual report on racial discrimination submitted by the International Labour Organisation in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1990/37);

Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI): note by the Secretary-General (E/CN.4/1990/38);

Report on the International Seminar on Cultural Dialogue Between the countries of Origin and the Host Countries of Migrant Workers, Athens, Greece, 18-26 September 1989 (E/CN.4/1990/50);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/7);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/12);

Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination by Mr. A. Eide, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1989/8 and Add.1).

512. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (13th), Belgium (12th), Brazil (15th), Bulgaria (13th), Canada (13th), China (14th), Cuba (15th), Ethiopia (15th), France (13th), Ghana (14th), Italy (12th), Japan (15th), Mexico (15th), Morocco (13th), Nigeria (11th), Peru (14th), Portugal (14th), Sri Lanka (15th), Union of Soviet Socialist Republics (14th), United States of America (15th), Venezuela (13th), Yugoslavia (15th).

513. The Commission also heard statements by the Observers for: Australia (15th), Czechoslovakia (12th), Egypt (13th), Guatemala (14th), Syrian Arab Republic (11th).

514. A statement was also made by the representative of the International Labour Organisation (12th).

515. Statements were also made by the following non-governmental organizations: Baha'i International Community (13th), International Association against Torture (12th), World Union for Progressive Judaism (16th).

516. At the 38th meeting, on 23 February 1990, the Commission took up consideration of the draft resolution submitted under agenda item 16.

517. The representative of Senegal introduced draft resolution E/CN.4/1990/L.19, sponsored by Algeria*, Angola*, Bangladesh, Brazil, Burundi*, Cameroon*, China, Colombia, Côte d'Ivoire*, Cuba, Egypt*, Ethiopia, Gabon*, Gambia*, Ghana, The Islamic Republic of Iran*, Iraq, Kenya*, Liberia*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Nicaragua*, Nigeria, Pakistan, Peru, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, the Syrian Arab Republic*, Togo*, Tunisia*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania*, Yugoslavia, Zaire* and Zimbabwe*. The Byelorussian Soviet Socialist Republic* and Mexico subsequently joined the sponsors.

518. The draft resolution was adopted without a vote.

519. A statement in explanation of vote after the vote was made by the representative of the United States of America.

520. For the text as adopted, see chapter II, section A, resolution 1990/13.

521. At the same meeting, the Commission had before it draft decision 2 recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. B).

522. The attention of the Commission was drawn to the estimate of the administrative and programme budget implications (E/CN.4/1990/2, Annex II) 1/ of draft decision 2.

523. At the request of the representative of the United States of America, a vote was taken on draft decision 2. The draft decision was adopted by 39 votes to 1, with 2 abstentions.

524. A statement in explanation of vote after the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

525. For the text as adopted see chapter II, section B, decision 1990/103.

XVII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

526. The Commission considered agenda item 17 concurrently with agenda items 7, 8 and 18 (see chaps. VII, VIII and XVIII) at its 16th to 21st meetings, held from 8 to 13 February, and at its 38th meeting, held on 23 February 1990. 2/

527. The Commission had before it the following documents:

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/44/441);

Note by the Secretary-General on the reservations, declarations, notifications and objections relating to the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.2);

Note by the Secretary-General on the reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/43).

528. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (21st), Belgium (19th), Bulgaria (20th), Cyprus (20th), Hungary (16th), Italy (20th), Japan (20th), Philippines (18th), Portugal (19th), Senegal (16th), Spain (19th), Sweden (19th), Union of Soviet Socialist Republics (20th).

529. The Commission also heard statements from the Observers for: Australia (20th), Austria (21st), Byelorussian Soviet Socialist Republic (18th), Czechoslovakia (17th), Finland (20th), Libyan Arab Jamahiriya (17th), Netherlands (18th), New Zealand (18th).

530. A statement was made by the representative of the International Labour Organisation (19th).

531. Statements were also made by the following non-governmental organizations: Co-ordination Board of Jewish Organizations (18th), World Jewish Congress (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (21st).

532. At the 38th meeting, on 23 February 1990, the observer of the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1990/L.22, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic*, Czechoslovakia*, the German Democratic Republic*, Hungary, Poland*, Romania*, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. The Philippines and the Syrian Arab Republic* subsequently joined the sponsors.

533. The draft resolution was adopted without a vote.

534. A statement in explanation of vote after the vote was made by the representative of Japan.

535. For the text as adopted, see chapter II, section A, resolution 1990/19.

536. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/1990/L.32, sponsored by Australia*, Austria*, Bulgaria, the Byelorussian Soviet Socialist Republic*, Canada, Cyprus, Denmark*, Finland*, the German Democratic Republic*, Hungary, Ireland*, the Netherlands, New Zealand*, Nicaragua*, Norway*, Peru, Portugal, Senegal, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Cameroon*, Gambia, the Philippines, Spain and the Syrian Arab Republic* subsequently joined the sponsors.

537. The draft resolution was adopted without a vote.

538. For the text as adopted, see chapter II, section A, resolution 1990/20.

XVIII. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT
TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

539. The Commission considered agenda item 18 concurrently with items 7, 8, and 17 (see chaps. VII, VIII and XVII) at its 16th to 21st meetings, held on 8 to 13 February, and at its 38th and 42nd meetings, held on 23 and 27 February 1990. 2/

540. The Commission had before it the following documents:

Report of the Secretary General (A/44/539);

Note by the Secretary-General (A/44/668);

Report of the Secretary-General (E/CN.4/1990/39);

Report of the Secretary General (E/CN.4/1990/67);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/50);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/52).

541. In the general debate on this item, 3/ statements were made by the following members of the Commission: Belgium (19th), Bulgaria (20th), Canada (18th), Hungary (16th), Italy (20th), Japan (20th), Philippines (18th), Portugal (19th), Sweden (19th), Union of Soviet Socialist Republics (20th), United Kingdom of Great Britain and Northern Ireland (20th), Yugoslavia (21st).

542. The Commission also heard statements by the Observers for: Australia (20th), Austria (21st), Finland (20th), Mongolia (18th), Netherlands (18th), New Zealand (18th), Sudan (21st).

543. A statement was also made by the representative of the International Labour Organisation (19th).

544. Statements were also made by the following non-governmental organizations: Co-ordinating Board of Jewish Organizations (18th), World Jewish Congress (18th), Four Directions Council (17th), International Federation for Human Rights (18th).

545. At its 38th meeting, held on 23 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 18.

546. At the 38th meeting, on 23 February 1990, the representative of Italy introduced draft resolution E/CN.4/1990/L.30, sponsored by Argentina, Australia*, Bulgaria, Canada, Colombia, Denmark*, France, the German Democratic Republic*, Hungary, Italy, Norway*, Peru and the Philippines. Morocco and Zaire* subsequently joined the sponsors.

547. The draft resolution was adopted without a vote.

548. Statements in explanation of vote after the vote were made by the representatives of Japan and the United Kingdom of Great Britain and Northern Ireland.

549. For the text as adopted, see chapter II, section A, resolution 1990/21.

550. At the 42nd meeting, on 27 February 1990, the representative of Canada introduced draft resolution E/CN.4/1990/L.29, sponsored by Australia*, Austria*, Canada, Costa Rica*, Denmark*, Finland*, Gambia, Hungary, Italy, the Netherlands*, New Zealand*, the Philippines, Portugal, Sweden, the Ukrainian Soviet Socialist Republic and Yugoslavia. Kenya* subsequently joined the sponsors.

551. The representative of Canada orally revised operative paragraph 10 of the draft resolution, as follows:

(a) The word "establish" was replaced by the words "seek to obtain, at the earliest opportunity, the concurrence of States parties to the Convention on the Elimination of Racial Discrimination to the establishment";

(b) The word "and" was replaced by the words "provided that the agreement of a State party must first be obtained before its own over-assessment is paid into this fund, with the fund";

(c) The words "in full" were inserted between the words "reimbursed" and "once payment".

552. The draft resolution, as orally revised, was adopted without a vote.

553. Statements in explanation of vote after the vote were made by the representatives of Germany, Federal Republic of, Japan and the United Kingdom of Great Britain and Northern Ireland.

554. For the text as adopted, see chapter II, section A, 1990/25.

XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES ON ITS FORTY-FIRST SESSION

555. The Commission considered agenda item 19 at its 46th to 49th meetings, held on 1 March to 5 March, and at its 53rd and 54th meetings, held on 7 March 1990. 2/

556. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session (E/CN.4/1990/2 and Corr.1 and 2);

Report of Mr. F. Yimer, Chairman of the Sub-Commission at its forty-first session, prepared in accordance with paragraph 15 of Commission resolution 1989/36 (E/CN.4/1990/40);

Note by the Chairman circulating the Advisory Opinion entitled "Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations", delivered by the International Court of Justice on 15 December 1989 (E/CN.4/1990/56);

Note by the Secretary-General on administrative and programme budget implications of resolutions adopted by the Sub-Commission at its forty-first session (E/CN.4/1990/75);

Letter dated 23 February 1990 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/82);

Letter dated 1 March 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/85);

Letter dated 22 February 1990 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/86);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/6).

557. At the 46th meeting, on 1 March 1990, Mr. F. Yimer, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session, introduced his report (E/CN.4/1990/40), prepared in accordance with paragraph 15 of Commission resolution 1989/39.



558. In the general debate on this item, 3/ statements were made by the following members of the Commission: Belgium (49th), Brazil (46th), Canada (47th), China (47th), Cyprus (48th), Ethiopia (49th), India (48th), Morocco (47th), Nigeria (48th), Philippines (49th), Portugal (49th), Spain (47th), Sweden (49th), Ukrainian Soviet Socialist Republic (47th), Union of Soviet Socialist Republics (47th), United Kingdom of Great Britain and Northern Ireland (46th), United States of America (47th), Yugoslavia (46th), Venezuela (49th).

559. The Commission heard statements by the Observers for: Australia (48th), Austria (48th), Netherlands (48th).

560. A statement was also made by the representative of the International Labour Organisation (49th).

561. The Commission heard also statements by the following non-governmental organizations: Caritas Internationalis (46th), Christian Democratic International (47th), Commission of the Churches on International Affairs of the World Council of Churches (48th), Four Directions Council (47th), Indian Law Resource Centre (47th), Indian Council of South America (49th), International Abolitionist Federation (46th), International Catholic Child Bureau (46th), International Federation for Human Rights (49th), International Indian Treaty Council (49th), International League for Human Rights (46th), International Movement for Fraternal Union among Races and Peoples (47th), International Organization for the Elimination of all Forms of Racial Discrimination (46th), International Organization for the Development of Freedom of Education (46th), Latin American Federation of Association of Relatives of Disappeared Detainees (46th), Liberation (46th), World Union for Progressive Judaism (49th).

562. The Commission also heard joint statements by the following non-governmental organizations: Grand Council of the Crees (of Quebec) (48th) on behalf of: Grand Council of the Crees (of Quebec) and South American Indian Council; International Commission of Health Professionals for Health and Human Rights (48th) on behalf of: International Commission of Health Professionals for Health and Human Rights, War Amputations of Canada; International Council of Jewish Women (46th) on behalf of: Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Christian Democratic International, Co-ordinating Board of Jewish Organizations, Defence for Children International, Human Rights Advocates, International Abolitionist Federation, International Alliance of Women, International Association for Religious Freedom, International Child Catholic Bureau, International Council of Jewish Women, International Federation of Women Lawyers, International Fellowship of Reconciliation, International League for the Rights and Liberation of Peoples, International Movement - ATD Fourth World, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization of Penal Law, Liberation, Medical Women's International Association, World Association of Girl Guides and

Girl Scouts, World Federation of Methodist Women, World Jewish Congress, World Union for Progressive Judaism; World Zionist Organization, Zonta International; International League for the Rights and Liberation of Peoples (48th) on behalf of: Habitat International Coalition, Human Rights Advocates, International Association of Educators for World Peace, International Association against Torture, International Commission of Health Professionals for Health and Human Rights, Liberation, Minority Rights Groups, Pax Christi.

563. Statements in right of reply or equivalent to right of reply were made by the representatives of Bulgaria (47th) and Yugoslavia (49th), and by the Observer for Indonesia (49th).

564. At the 53rd meeting, on 7 March 1990, the Commission took up consideration of the draft decisions and draft resolutions submitted under agenda item 19.

565. The representative of France introduced draft decision E/CN.4/1990/L.66, sponsored by that country.

566. The draft decision was adopted without a vote.

567. For the text as adopted, see chapter II, section B, decision 1990/107.

568. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1990/L.70, sponsored by Afghanistan*, Australia*, Canada, China, Colombia, Cuba, Cyprus, Denmark*, Gambia, the German Democratic Republic*, the Netherlands*, New Zealand*, Norway*, Peru, the Philippines, Senegal, Sweden and Zaire*.

569. The representative of Canada orally revised operative paragraph 5 by inserting the words: "ten serviced meetings in the" between the words "meet for" and the words "10 working days".

570. The attention of the Commission was drawn to the administrative and programme budget implications (E/CN.4/1990/L.104/Rev.1) 1/ of draft resolution E/CN.4/1990/L.70.

571. Statements relating to the draft resolution were made by the representatives of Colombia Mexico, Nigeria and the Philippines.

572. The draft resolution, as orally revised, was adopted without a vote.

573. For the text as adopted, see chapter II, section A, resolution 1990/62.

574. In view of the adoption of draft resolution E/CN.4/1990/L.70 (see paras. 570-574), the Commission decided to take no action on draft resolution X and draft decision 3, recommended by the Sub-Commission (E/CN.4/1990/2, chap. I, sects. A and B) for adoption by the Commission.

575. At the same meeting the representative of the Netherlands introduced draft resolution E/CN.4/1990/L.71, sponsored by Belgium, Colombia, Costa Rica*, France, Gambia, Nicaragua*, the Philippines, Portugal, the Netherlands* and Zaire*.

576. The draft resolution was adopted without a vote.

577. For the text as adopted, see chapter II, section A, resolution 1990/63.

578. At the same meeting, the representative of Belgium introduced draft decision E/CN.4/1990/L.83 sponsored by Austria* and Belgium.

579. The draft decision was adopted without a vote.

580. For the text as adopted, see chapter II, section B, decision 1990/108.

581. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1990/L.88, sponsored by Argentina, Austria*, Belgium, France, the Federal Republic of Germany, Hungary, the Netherlands*, the Philippines, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, Yugoslavia and Zaire*. Japan subsequently joined the sponsors.

582. The representative of Austria orally revised the draft resolution by inserting a new operative paragraph 9 and a new operative paragraph 17, reading as follows:

"9. Requests the Sub-Commission at its forty-second session to consider its practice of forwarding draft resolutions and decisions to the Commission for attention, action or consideration."

"17. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item."

583. The representative of the United States of America made a statement relating to the draft resolution as orally revised.

584. The draft resolution, as orally revised, was adopted without a vote.

585. For the text as adopted, see chapter II, section A, resolution 1990/64.

586. At the same meeting, the Commission also had before it draft resolutions VI, VIII, XI, XII, XIII and XIV, recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. A).

587. The attention of the Commission was drawn to the administrative and programme budget implications relating to draft resolutions VI and XIV, 1/ contained in annexes II and III to the Sub-Commission report (E/CN.4/1990/2).

588. At the same meeting, the Commission adopted draft resolution VI, without a vote.

589. For the text as adopted, see chapter II, section A, resolution 1990/65.

590. At the same meeting, the Commission considered draft resolution VIII.

591. The representative of Belgium orally proposed the following amendments:

- (a) Add the following paragraph at the end of the preamble:

"Recognizing the vital role of the International Committee of the Red Cross in the dissemination of international humanitarian law;"

- (b) Add the following paragraph as operative paragraph 1:

"1. Notes that the States Parties to the four Geneva Conventions of 1949 and to the two Additional Protocols of 1977 have undertaken to disseminate those instruments as widely as possible and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population;"

- (c) Renumber former operative paragraph 1 as operative paragraph 2;

- (d) Rewrite former operative paragraph 2, which read as follows:

"2. Considers it desirable that this education include transmission of knowledge of at least the following instruments: the Geneva Conventions of 1949 and the two Additional Protocols of 1977, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and other relevant instruments in the field of human rights as well as of the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners, the Declaration and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and Basic Principles on the Independence of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions;"

And renumber it as operative paragraph 3, to read as follows:

"3. Recommends that this education also include transmission of knowledge of the relevant instruments in the field of human rights as well of the Code of Conduct for Law Enforcement Officials,

the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on the Independence of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions;"

- (e) Renumber the former operative paragraphs 3, 4 and 5 as operative paragraphs 4, 5 and 6.

592. The amendments were accepted by the Commission.

593. Draft resolution VIII, as orally amended, was adopted without a vote.

594. For the text as adopted, see chapter II, section A, resolution 1990/66.

595. At the same meeting, the Commission adopted draft resolution XIII without a vote.

596. Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany, Sweden and the United States of America.

597. For the text as adopted, see chapter II, section A, resolution 1990/67.

598. At the same meeting, the Commission adopted draft resolution XII without a vote.

599. For the text as adopted, see chapter II, section A, resolution 1990/68.

600. At the same meeting, the Commission adopted draft resolution XIV without a vote.

601. For the text as adopted, see chapter II, section A, resolution 1990/69.

602. At the same meeting, the Commission had before it draft decision 1, recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, Sect. B).

603. The representative of Australia, on behalf of Australia*, Ethiopia, Mexico and Yugoslavia, submitted an amendment (E/CN.4/1990/L.99) to the draft decision. The amendment consisted of adding a new final paragraph.

604. The amendment was accepted by the Commission.

605. The draft decision, as amended, was adopted without a vote.

606. A statement in explanation of vote after the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

607. For the text as adopted, see chapter II, section B, decision 1990/109.

608. At the 54th meeting, on 7 March 1990, the Chairman orally proposed a draft decision which was adopted by the Commission without a vote.

609. The representative of the United States of America made a statement in explanation of vote after the vote.

610. For the text as adopted, see chapter II, section B, decision 1990/113.

611. In view of the adoption of this decision, the Commission decided to take no action on draft resolution XI.

612. On 5 March 1990, a draft decision (E/CN.4/1990/L.85) was submitted by Australia*, Belgium, Canada, Denmark*, the Federal Republic of Germany, Ireland*, Luxembourg*, the Netherlands*, Norway*, Portugal, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, reading as follows:

"At its ... meeting, on ... March 1990, the Commission decided to note with satisfaction both the invitation of the Iraqi Human Rights Society extended to the members of the Sub-Commission and the statement made by the Permanent Representative of Iraq to the Commission on 23 February 1990 which reaffirmed the readiness of the Government of Iraq to extend all the assistance necessary to ensure the success of the visit, to request the Government of Iraq to co-operate fully with the Centre for Human Rights for this purpose, to invite the Chairman of the Sub-Commission to consult the members of the Sub-Commission in order to select a representative group, also to request the Secretary-General to provide the necessary facilities, within existing resources, for the carrying out of the visit in accordance with United Nations practice, and further to request the Sub-Commission to report to the Commission on the results of the visit at its forty-seventh session."

613. At the 54th meeting, on 7 March 1990, the Commission considered a revised draft decision (E/CN.4/1990/L.85/Rev.1), by the same sponsors and by France, Greece, Italy and Spain, reading as follows:

"At its ... meeting, on ... March 1990, the Commission, noting with satisfaction both the invitation of the Iraqi Human Rights Society extended to the members of the Sub-Commission to visit Iraq to have first-hand knowledge of the facts regarding the situation of human rights and fundamental freedoms and the statement made by the Permanent Representative of Iraq to the Commission on 23 February 1990 which reaffirmed the readiness of the Government of Iraq to extend all the assistance necessary to ensure the success of the visit and by which the Government of Iraq thus endorsed the invitation, decided to accept and welcome the invitation extended to the members of the Sub-Commission, invited the chairman of the Sub-Commission to consult the members of the Sub-Commission on the visit, requested the members to report on the visit to the Sub-Commission at its next session, requested the Secretary-General

to provide the necessary facilities, within existing resources, for the carrying out of the visit in accordance with United Nations practice and requested the Sub-Commission to report to the Commission at its forty-seventh session on the results of the visit."

614. The attention of the Commission was drawn to the administrative and programme budget implications 1/ of draft decision E/CN.4/1990/L.85/Rev.1 in an oral statement delivered by the Deputy Director of the Centre for Human Rights.

615. Statements related to the revised draft decision were made by the representatives of Morocco and Senegal and the Observer for Egypt.

616. The representative of Iraq moved a motion, in accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council to take no decision on the draft decision.

617. The representatives of Bangladesh, China, Morocco, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements related to the motion.

618. At the request of the representative of the Federal Republic of Germany, a roll-call vote was taken on the motion. The motion was adopted by 18 votes to 14, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Madagascar, Morocco, Pakistan, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Yugoslavia.

Against: Belgium, Bulgaria, Canada, France, Germany, Federal Republic of, Hungary, Italy, Japan, Panama, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Colombia, Gambia, Mexico, Nigeria, Peru, Swaziland, Venezuela.

The representatives of the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote.

619. For the text as adopted, see chapter II, section B, decision 1990/114.

**XX. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC
RELIGIOUS AND LINGUISTIC MINORITIES**

620. The Commission considered agenda item 20 at its 52nd meeting, held on 6 March 1990. 2/

621. The Commission had before it the following documents:

Report of the open-ended Working Group established by the Commission on Human Rights at its forty-sixth session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1990/41);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/33);

Written statement by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/41).

622. At the 52nd meeting, held on 6 March 1990, Mrs. Zagorka Ilic, Chairman-Rapporteur, introduced the report of the Working Group (E/CN.4/1990/41).

623. The representative of Yugoslavia introduced draft resolution E/CN.4/1990/L.58, sponsored by his country.

624. The draft resolution was adopted without a vote.

625. A statement in explanation of vote after the vote was made by the representative of the United States of America.

626. For the text as adopted, see chapter II, section A, resolution 1990/45.

627. The Commission considered draft decision 4, recommended by the Sub-Commission for adoption (E/CN.4/1990/2, chap. I, sect. B).

628. Draft decision 4 was adopted without a vote.

629. For the text as adopted, see chapter II, section B, decision 1990/105.

XXI. MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

630. The Commission considered agenda item 21 at its 51st and 52nd meetings, held on 6 March, and at its 54th meeting, held on 7 March 1990. 2/

631. The Commission had before it the written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/11).

632. In the general debate on this item, 3/ a statement was made by the representative of the United States of America (51st).

633. The Commission heard statements by the Observers for: Byelorussian Soviet Socialist Republic (52nd), German Democratic Republic (52nd), Israel (52nd), Libyan Arab Jamahiriya (52nd), Syrian Arab Republic (51st).

634. The Commission also heard statements by the following non-governmental organizations: Christian Democratic International (52nd), International Association of Educators for World Peace (52nd), International Council of Jewish Women (52nd), International Federation of Free Journalists (52nd), International Indian Treaty Council (52nd), International Movement for Fraternal Union among Races and Peoples (52nd), International Organization for the Elimination of All Forms of Racial Discrimination (52nd), World Jewish Congress (52nd), World Union for Progressive Judaism (52nd).

635. Statements equivalent to the right of reply were made by the Observers for Israel (51st), Kuwait (54th), the Libyan Arab Jamahiriya (52nd) and the Syrian Arab Republic (52nd).

636. At the 52nd meeting, on 6 March 1990, the Observer for the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1990/L.82, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic*, Czechoslovakia*, the German Democratic Republic*, Hungary, Poland*, Romania*, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. Cuba subsequently joined the sponsors.

637. The Observer for the Byelorussian Soviet Socialist Republic orally revised the fifth preambular paragraph and operative paragraph 4 of draft resolution E/CN.4/1990/L.82, as follows:

(a) In the fifth preambular paragraph, the words "and legislation" were inserted between the word "systems" and the word "based";

(b) In operative paragraph 4, the word "or" was inserted between the word "prosecution" and the word "extradition".

638. The draft resolution, as orally revised, was adopted without a vote.

639. For the text as adopted, see chapter II, section A, resolution 1990/46.

XXII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

640. The Commission considered agenda item 22 at its 22nd meeting, held on 13 February, at its 44th to 46th meetings, held on 28 February and 1 March, and at its 53rd and 54th meetings, held on 7 March 1990. 2/

641. The Commission had before it the following documents:

Report on Equatorial Guinea prepared by the Expert, Mr. Fernando Volio Jiménez, in accordance with resolution 1989/70, paragraph 3, of the Commission (E/CN.4/1990/42 and Add.1);

Report of the Secretary-General (E/CN.4/1990/43);

Report on Haiti by the Expert, Mr. Philippe Texier, prepared in conformity with Commission resolution 1989/73 (E/CN.4/1990/44 and Add.1);

Report by the Expert, Mr. Héctor Gros Espiell, on Guatemala, prepared in accordance with paragraph 9 of Commission resolution 1989/74 (E/CN.4/1990/45 and Add.1);

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission resolution 1986/20 (E/CN.4/1990/46);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/19);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/20).

642. At the 22nd meeting, on 13 February 1990, Mr. Héctor Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala, introduced his report (E/CN.4/1990/45 and Add.1).

643. At the 44th meeting, on 28 February 1990, Mr. F. Volio Jiménez, Expert appointed by the Secretary-General on the situation in Equatorial Guinea, introduced his report (E/CN.4/1990/42 and Add.1).

644. At the same meeting, Mr. P. Texier, Expert appointed by the Secretary-General on the situation in Haiti, introduced his report (E/CN.4/1990/44 and Add.1).

645. In the general debate on this item, 3/ statements were made by the following members of the Commission: Canada (44th), Colombia (45th), Italy (44th), Japan (44th), Mexico (45th), Nigeria (44th), Philippines (44th),

Portugal (45th), Swaziland (45th), Sweden (44th) (on behalf of the Nordic countries), Union of Soviet Socialist Republics (44th), United Kingdom of Great Britain and Northern Ireland (44th), Venezuela (44th).

646. The Commission heard statements by the Observers for: Austria (44th), Greece (44th), Guatemala (45th) and Haiti (44th).

647. The Commission also heard a statement by the Observer for Switzerland (45th).

648. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (44th), Andean Commission of Jurists (44th), Four Directions Council (44th), International Association Against Torture (44th), International Commission of Jurists (44th), International Confederation of Free Trade Unions (44th), International Federation for Human Rights (44th), International Fellowship of Reconciliation (45th), International Indian Treaty Council (45th), International League for Human Rights (44th), International League for the Rights and Liberation of Peoples (44th), International Movement for Fraternal Union among Races and Peoples (44th), Latin American Federation of Associations of Relatives of Disappeared Detainees (44th), World Association for World Federation (45th), World Federation of Democratic Youth (45th), World University Service (44th).

649. A statement in right of reply was made by the representative of Yugoslavia (46th).

650. At its 53rd and 54th meetings, on 7 March 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 22.

651. On 14 February 1990, a draft resolution (E/CN.4/1990/L.16) was submitted by France, reading as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reaffirming that the Governments of all Member States are required to promote and protect human rights and fundamental freedoms,

"Alarmed by the proliferation of acts of violence in Haiti, particularly against arrested or detained persons, and by the apparent inability of the Haitian judicial system to put an end to such acts,

"Observing that the human rights situation in Haiti remains disturbing and even seems to have deteriorated since July 1989, particularly in rural areas,

"Noting that the state of siege introduced on 20 January 1990 was lifted on 30 January and that a general amnesty for prisoners detained for attacks on the security of the State was announced on 7 February, but that many persons remain imprisoned or exiled and that, particularly because of the threats to their security, Haitians are not able to express their opinions freely and to participate under satisfactory conditions in the preparation of elections,

"Taking account of the report of Mr. Philippe Texier, the Expert appointed by the Secretary-General (E/CN.4/1990/44 and Add.1),

"1. Expresses its appreciation to the Expert for his report and for the way in which he has discharged his mandate;

"2. Welcomes the co-operation extended by the Haitian authorities to the Expert during his visit to Haiti from 25 July to 3 August 1989;

"3. Notes, however, that the Haitian authorities have not acted upon the assistance proposals which he submitted to them under the advisory services programme;

"4. Expresses the hope that the Haitian authorities will ensure that elections are held as scheduled and in appropriate conditions of honesty and security, under the supervision of impartial observers;

"5. Requests the Haitian authorities to proceed forthwith to take the necessary measures to enable exiled opponents to return and to ensure their security, so that they can participate in preparing the elections;

"6. Invites the Haitian Government to bring back into force the full Constitution of 29 March 1987, which was adopted in a referendum by an overwhelming majority;

"7. Invites the Haitian Government to expedite the investigation into the principal massacres, particularly those of 29 November 1987 and 11 September 1988, and to bring those responsible to trial;

"8. Further invites the Haitian Government to ratify the International Covenants and international conventions on human rights, in accordance with its undertaking of December 1988;

"9. Requests the Chairman of the Commission on Human Rights to appoint a representative of the Commission to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements;

"10. Calls upon the Haitian authorities to co-operate fully with the Commission's representative;

"11. Requests the Secretary-General to provide the Commission's representative with all necessary assistance in performing his task;

"12. Requests the Commission's representative to report to it at its forty-seventh session on developments in the human rights situation in Haiti;

"13. Decides to continue consideration of the situation in Haiti at its forty-seventh session under item 12 of its agenda entitled, 'Question of the violation of human rights and fundamental freedoms in any part of the world'."

652. At the 53rd meeting, on 7 March 1990, the representative of France introduced a revised draft resolution (E/CN.4/1990/L.16/Rev.1), sponsored by France and Peru.

653. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.49) 1/ of the revised draft resolution E/CN.4/1990/L.16/Rev.1.

654. The draft resolution was adopted without a vote.

655. Statements in explanation of vote after the vote were made by the representatives of the United States of America and Venezuela on behalf of Argentina, Brazil, Colombia, Mexico and Venezuela.

656. For the text as adopted, see chapter II, section A, resolution 1990/56.

657. At the same meeting, the Observer for Costa Rica* introduced draft resolution E/CN.4/1990/L.68, sponsored by Bolivia*, Canada, Costa Rica* and Peru.

658. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.100) 1/ of draft resolution E/CN.4/1990/L.68.

659. The draft resolution was adopted without a vote.

660. For the text as adopted, see chapter II, section A, resolution 1990/57.

661. At the same meeting, the representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1990/L.72, sponsored by Austria*, Belgium, Bulgaria, Canada, Colombia, Costa Rica*, Cyprus, Denmark*, El Salvador*, Finland*, France, the Federal Republic of Germany, Italy, the Netherlands*, New Zealand*, Norway*, Peru, Senegal, Sweden, Switzerland*, Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Japan, Madagascar and the Philippines subsequently joined the sponsors.

662. The draft resolution was adopted without a vote.

663. For the text as adopted, see chapter II, section A, resolution 1990/58.

664. At the same meeting, the representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1990/L.73, sponsored by Austria*, Canada, Colombia, Costa Rica*, Cyprus, Denmark*, El Salvador*, Finland*, France, the Federal Republic of Germany, Italy, the Netherlands*, New Zealand*, Norway*, Peru, Senegal, Sweden, Switzerland*, Togo* and the United Kingdom of Great Britain and Northern Ireland. Gambia, Japan and Madagascar subsequently joined the sponsors.

665. The draft resolution was adopted without a vote.

666. For the text as adopted, see chapter II, section A, resolution 1990/59.

667. At the same meeting, the Chairman of the Commission introduced draft resolution E/CN.4/1990/L.90.

668. The draft resolution was adopted without a vote.

669. For the text as adopted, see chapter II, section A, resolution 1990/60.

670. At the same meeting, the Commission had before it draft resolution V, recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. A).

671. The draft resolution was adopted without a vote.

672. For the text as adopted, see chapter II, section A, resolution 1990/61.

673. On 27 February 1990, a draft resolution (E/CN.4/1990/L.37) was submitted by Argentina, Brazil, Colombia, Mexico, Peru, Uruguay* and Venezuela, reading as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

"Recalling its resolution 1989/74 of 8 March 1989 on assistance to Guatemala in the field of human rights,

"Taking into account resolution 1989/6 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1990/45 and Add.1),

"Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and the reports of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22 and Corr.1 and Add.1) and of the Special Rapporteur on torture (E/CN.4/1990/17),

"Taking into account the fact that the constitutional Government of Guatemala has made considerable efforts to guarantee the full application of human rights and fundamental freedoms and promote the process of democratic consolidation, and is to hold general elections in October of this year,

"Taking note of the fact that the Procurator for Human Rights, with the support of the Government of Guatemala, has decided to expand and strengthen his functions by, inter alia, establishing an investigation department and departmental offices throughout Guatemala and expanding his procuratorial functions before the courts,

"Seriously concerned, however, at the persistent climate of violence in Guatemala, which has worsened and in which serious violations of human rights are still occurring, as a result of the activities of groups beyond the control of the Government,

"Deeply disturbed also by the activities of the 'death squads' which are deemed responsible for disappearances and murders,

"Concerned further at the economic, social and cultural rights situation of the Guatemalan population in general,

"Disturbed by the serious situation faced since time immemorial by the indigenous populations, who have been subjected to discrimination and exploitation, as well as to serious violations of their human rights and fundamental freedoms,

"Taking note of the fact that the advisory services have helped to create an awareness of the importance of promoting and protecting human rights and fundamental freedoms,

"Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the Government's efforts in that direction,

"1. Expresses its gratitude to the Expert for the work done during his term of office and thanks him for his report and recommendations;

"2. Expresses its appreciation also to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and co-operation afforded to the Expert;

"3. Recognizes that, while the Government of Guatemala has upheld its commitment to guarantee the protection of fundamental rights and freedoms, it has been unable to implement the decision taken with sufficient authority, so that the social violence and violations of human rights have continued;

"4. Supports therefore the recommendations contained in the Expert's report (E/CN.4/1990/45) that the programme of assistance and advisory services in the field of human rights should be continued and strengthened;

"5. Urgently appeals to the Government of Guatemala to continue to accord priority to its undertaking under the Esquipulas II Agreements and to promote and participate more actively in the national reconciliation dialogue, as one of the ways of consolidating the democratic process;

"6. Deeply deplores the increase in murders, kidnappings and attacks on and threats against persons involved in political activities as jeopardizing the democratization process;

"7. Expresses its profound concern at the resurgence of criminal activities of so-called 'death squads' and other groups outside the control of the Government;

"8. Deplores, in particular, the recent murders of a member of the National Revolutionary Movement Party (MNR) of El Salvador, Secretary for Latin America of the Socialist International, and of a Guatemalan lawyer, on 12 January 1990 in Guatemala, and requests the Government of Guatemala to continue and strengthen the investigation already under way, with a view to identifying and punishing the culprits;

"9. Requests the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

"10. Urges the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

"11. Further urges the Government of Guatemala to promote any measures necessary to identify and punish members of 'death squads';

"12. Encourages the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

"13. Requests the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process, and promote a human rights culture;

"14. Requests the Secretary-General to appoint an Expert to continue assistance to the Government in the field of human rights and to report to the Commission at its forty-seventh session on his advisory activities and on the situation in the country."

674. At the 54th meeting, on 7 March 1990, the representative of Peru introduced a revised draft resolution (E/CN.4/1990/L.37/Rev.1), sponsored by Argentina, Belgium, Brazil, Canada, Colombia, Denmark*, Ireland*, Luxembourg*, Mexico, the Netherlands*, Norway*, Peru, Spain, Sweden, Uruguay* and Venezuela. France subsequently joined the sponsors.

675. A statement relating to draft resolution E/CN.4/1990/L.37/Rev.1 was made by the representative of Senegal.

676. The draft resolution was adopted without a vote.

677. A statement in explanation of vote after the vote was made by the representative of the United States of America.

678. For the text as adopted, see chapter II, section A, resolution 1990/80.

XXIII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION
OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION
BASED ON RELIGION OR BELIEF

679. The Commission considered agenda item 23 at its 21st to 23rd meetings, held from 13 to 14 February, and at its 48th meeting, held on 2 March 1990. 2/

680. The Commission had before it the following documents:

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission resolution 1986/20 (E/CN.4/1990/46);

Letters dated 15 and 21 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission (E/CN.4/1990/71, E/CN.4/1990/78);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/5).

681. At the 22nd meeting, on 13 February 1990, the Special Rapporteur, Mr. A. Vidal d'Almeida Ribeiro, introduced his report (E/CN.4/1990/46).

682. In the general debate on this item, 3/ statements were made by the following members of the Commission: Belgium (23rd), Botswana (22nd), China (22nd), Ethiopia (22nd), Hungary (22nd), India (22nd), Iraq (22nd), Italy (22nd), Portugal (22nd), Senegal (22nd), Ukrainian Soviet Socialist Republic (23rd), United Kingdom of Great Britain and Northern Ireland (22nd), United States of America (22nd), Venezuela (22nd).

683. The Commission heard statements by the Observers for: Austria (23rd), Czechoslovakia (22nd), Egypt (22nd), Indonesia (22nd), Syrian Arab Republic (22nd).

684. The Observers for the Holy See (22nd) and Switzerland (22nd), made a statement.

685. The Commission also heard statements by the following non-governmental organizations: Baha'i International Community (22nd), Christian Democratic International (22nd), Commission of the Churches on International Affairs of the World Council of Churches (23rd), Four Directions Council (22nd), Human Rights Advocates (22nd), International Association for the Defence of Religious Liberty (22nd), International Association of Educators for World Peace (23rd), International Organization for the Elimination of All Forms of Racial Discrimination (23rd), Minority Rights Group (22nd), Pax Romana (22nd), World Union for Progressive Judaism (22nd). The Commission also heard a joint statement by the World Jewish Congress (22nd) on behalf of the Co-ordinating Board of Jewish Organizations and World Jewish Congress.

686. Statements equivalent to right of reply were made by the Observers for Greece (23rd) and Turkey (23rd).

687. At its 48th meeting, on 2 March 1990, the Commission took up consideration of the draft resolution submitted under item 23.

688. The representative of Canada introduced draft resolution E/CN.4/1990/L.34, sponsored by Argentina, Austria*, Belgium, Canada, Finland*, France, the Gambia, the Federal Republic of Germany, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, New Zealand*, Peru, the Philippines, Poland*, Portugal, Senegal, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Hungary and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

689. The representative of Canada orally revised operative paragraph 11 by replacing the word "three" with the word "two".

690. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.35) 1/ of draft resolution E/CN.4/1990/L.34.

691. The draft resolution, as orally revised, was adopted without a vote.

692. For the text as adopted, see chapter II, section A, resolution 1990/27.

XXIV. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITIES
OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND
PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

693. The Commission considered agenda item 24 at its 52nd meeting, held on 6 March 1990. 2/

694. The Commission had before it the report of the open-ended Working Group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1990/47).

695. At the 52nd meeting, held on 6 March 1990, Mr. Ronald A. Walker, Chairman-Rapporteur, introduced the report of the Working Group (E/CN.4/1990/47).

696. The representative of Australia introduced draft resolution E/CN.4/1990/L.62, sponsored by Australia*, Austria*, Bulgaria, Canada, Colombia, the German Democratic Republic*, Norway*, the Philippines, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Finland*, France, the Federal Republic of Germany, Hungary, Spain and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

697. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.97) 1/ of draft resolution E/CN.4/1990/L.62.

698. The draft resolution was adopted without a vote.

699. For the text as adopted, see chapter II, section A, resolution 1990/47.

XXV. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES

700. The Commission considered agenda item 25 at its 52nd meeting, held on 6 March 1990. 2/

701. The Commission had before it two notes by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and biographical data on the candidates (E/CN.4/1990/48 and Add.1-4, and E/CN.4/1990/88 and Add.1)

702. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights at its forty-fourth session (39th meeting, held on 29 February 1988) elected by secret ballot 26 members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from nominations of experts made by States Members of the United Nations on the following basis: (a) seven members from African States; (b) five members from Asian States; (c) three members from Eastern European States; (d) five members from Latin American States; (e) six members from Western European and other States.

703. Pursuant to Council resolution 1986/35, members of the Sub-Commission were to be elected for a term of four years, and half of the membership and the corresponding alternates, if any, were to be elected every two years.

704. As the term of office of half of the membership of the Sub-Commission had expired, the Commission on Human Rights was called to hold a new election of Sub-Commission members and alternates in accordance with the following pattern: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

705. The Commission elected by secret ballot the 13 members of the Sub-Commission, and their corresponding alternates, if any, for a period of four years. The following candidates were elected:

African States

Ms. Fatima Ksentini	Algeria
Ms. Farida Aiouaze a/	
Ms. Judith Attah	Nigeria
Ms. Christy Mbonu a/	
Mr. El Hadj Guisse	Senegal
Mr. Ndary Toure a/	

Asian States

Mr. Rajindar Sachar	India
Mr. Awn Shawkat Al-Khasawneh	Jordan
Mr. Waleed Sadi <u>a/</u>	
Mr. Tian Jin	China
Mr. Zhan Daode <u>a/</u>	

Eastern European States

Mr. Stanislav Chernichenko	Union of Soviet
Mr. Teimuraz Ramishvili <u>a/</u>	Socialist Republics

Latin American States

Mr. Leandro Despouy	Argentina
Mr. Juan Carlos Hitters <u>a/</u>	
Mr. Gilberto Vergne Saboia	Brazil
Ms. Marília Sardenberg Zalner Gonçalves <u>a/</u>	
Mr. Claude Heller	Mexico
Mr. Héctor Fix Zamudio <u>a/</u>	

Western European and other States

Mr. Louis Joinet	France
Mr. Alain Pellet <u>a/</u>	
Ms. Erica-Irene Daes	Greece
Mr. Alexis Heraclides <u>a/</u>	
Ms. Claire Palley	United Kingdom of Great Britain
Mr. John Merilla <u>a/</u>	and Northern Ireland

a/ Alternate.

706. The Observers for Côte d'Ivoire and Lebanon subsequently stated that their respective Governments had withdrawn the nominations for election to the Sub-Commission before the vote was taken.

707. The attention of the Commission was drawn to Economic and Social Council resolution 1983/32 of 27 May 1983, in accordance with which the Commission was called upon to elect Mr. Ahmed Khalifa (Egypt) and his alternate, Mr. Ahmed Tawfik Khalil, for the balance of the term of office of Mr. Khalifa, which was due to end in 1992.

708. The representative of Ethiopia proposed that Mr. Khalifa and Mr. Khalil be elected without a ballot, which was seconded by the representatives of Morocco and Senegal.

709. Mr. Khalifa and his alternate, Mr. Khalil, were elected without a ballot.

XXVI. DRAFT PROVISIONAL AGENDA FOR THE FORTY-SEVENTH SESSION
OF THE COMMISSION

710. The Commission considered agenda item 26 at its 56th meeting, held on 9 March 1990. 2/

711. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1990/L.1) containing a draft provisional agenda for the forty-seventh session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their consideration.

712. The Commission took note of the draft provisional agenda, as modified by decisions taken at the forty-sixth session.

713. The draft provisional agenda for the forty-seventh session of the Commission reads as follows:

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.

Legislative authority: relevant resolutions and decisions of the General Assembly, Economic and Social Council and the Commission.

Documentation:

Report of the independent expert on the human rights situation in Guatemala (para. 14 of resolution 1990/80), to be considered under an item of the agenda to be determined in the light of the above-mentioned report and of the situation of human rights and fundamental freedoms in Guatemala.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

Legislative authority: Commission resolutions 1990/2 A and B and 1990/3.

Documentation:

(a) Reports of the Secretary-General (para. 5 of resolution 1990/2 A, para. 6 of resolution 1990/2 B and para. 6 of resolution 1990/3);

(b) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories (para. 6 of resolution 1990/2 A).

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

Legislative authority: Commission resolutions 1990/11 and 1990/26.

Documentation:

(a) Report of the Ad Hoc Working Group of Experts (para. 8 of resolution 1990/11);

(b) Report of the Secretary-General (para. 10 of resolution 1990/11);

(c) Final report of the Ad Hoc Working Group of Experts (para. 30 of resolution 1990/26).

6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa.

Legislative authority: Commission resolution 1990/22.

Documentation:

Updated report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (operative para 3 (a) of draft resolution I recommended to the Economic and Social Council for adoption (resolution 1990/23)).

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

Legislative authority: Commission resolution 1990/24.

Documentation:

Report of the Special Rapporteur (para. 2).

(b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights.

Legislative authority: Commission resolutions 1990/14 and 1990/17.

Documentation:

Report of the Secretary-General (para. 2 of resolution 1990/14).

8. Question of the realization of the right to development.

Legislative authority: Commission resolution 1990/18.

Documentation:

Report of the Secretary-General (para. 7).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1990/4, 1990/5, 1990/6, 1990/7, 1990/8 and 1990/9.

Documentation:

(a) Report of the Secretary-General transmitting information pertaining to the implementation of resolution 1990/6 (paras. 9 and 10 of resolution 1990/6);

(b) Report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (para. 19 of resolution 1990/7).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances.

Legislative authority: Commission resolutions 1990/28, 1990/29, 1990/30, 1990/31, 1990/32, 1990/33, 1990/34, 1990/36 and 1990/81.

Documentation:

(a) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 8 of resolution 1990/28);

(b) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (para. 6 of resolution 1990/29);

(c) Report of the Working Group on Enforced or Involuntary Disappearances (para. 4 of resolution 1990/30);

(d) Updated report of the Secretary-General on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will (para. 6 of resolution 1990/31);

(e) Preliminary report of the Special Rapporteurs of the Sub-Commission (para. 9 of resolution 1990/32);

(f) Report of the Special Rapporteur appointed to examine questions relevant to torture (para. 20 of resolution 1990/34);

(g) Report of the Secretary-General on the decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (para. 10 of resolution 1990/81);

(h) Report by the Sub-Commission (para. 12 of resolution 1990/81).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

Legislative authority: Commission resolutions 1990/71, 1990/72, 1990/75 and 1990/76.

Documentation:

(a) Report of the Secretary-General on the progress achieved in the implementation of resolution 1990/71 (para. 7);

(b) Report of the Secretariat (para. 4 of resolution 1990/72);

(c) Report of the Secretary-General (para. 15 of resolution 1990/72);

(d) Report of the Secretary-General on reprisals against witnesses or victims of human rights violations (para. 4 of resolution 1990/76).

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-sixth session.

Legislative authority: Commission resolutions 1990/48, 1990/49, 1990/50, 1990/51, 1990/52, 1990/53, 1990/54 1990/56, 1990/77, 1990/78 and 1990/79 and Commission decision 1990/104.

Documentation:

(a) Information furnished by the Government of Cuba (para. 2 of resolution 1990/48);

(b) Information furnished by the Secretary-General (para. 3 of resolution 1990/48);

(c) Report of the Secretary-General (para. 2 of resolution 1990/49);

(d) Report of the Special Rapporteur on the human rights situation in Romania (para. 6 of resolution 1990/50);

(e) Report of the Special Rapporteur on the situation of human rights in Afghanistan (para. 12 of resolution 1990/53);

(f) Report of the Secretary-General on the situation of human rights in southern Lebanon (para. 5 of resolution 1990/54);

(g) Report of the independent expert on the human rights situation in Haiti (para. 12 of resolution 1990/56);

(h) Report of the Special Representative on the situation of human rights in El Salvador (para. 17 of resolution 1990/77);

(i) Report of the Special Representative on the human rights situation in the Islamic Republic of Iran (para. 14 of resolution 1990/79).

13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolution 1990/44.

Documentation:

Report of the Secretary-General on further progress made by the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (para. 5).

14. Human rights and scientific and technological developments.

Legislative authority: Commission resolutions 1990/39 and 1990/43.

Documentation:

(a) Report of the United Nations University (para. 7 of resolution 1990/39);

(b) Report of the Secretary-General (para. 2 of resolution 1990/43).

15. Implementation of the International Convention on Suppression and Punishment of the Crime of Apartheid.

Legislative authority: Commission resolution 1990/12.

Documentation:

Report of the Group of Three established under article IX of the Convention (para. 16).

16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Legislative authority: Commission resolution 1990/13.

Documentation:

(a) Report of the Secretary-General (para. 7);

(b) Report of the Secretary-General (para. 8).

17. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolution 1990/20.

Documentation:

Report of the Secretary-General (para. 13).

18. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolutions 1990/21 and 1990/25.

Documentation:

(a) Report of the Secretary-General on the progress made in the implementation of resolution 1990/21 (para. 9);

(b) Report of the Secretary-General on the comments of the treaty bodies (para. 4 of resolution 1990/25).

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session.

Legislative authority: Commission resolutions 1990/62, 1990/64, 1990/66, 1990/67 and 1990/68 and Commission decision 1990/107.

Documentation:

(a) Report of the Working Group on Indigenous Populations (para. 13 of resolution 1990/62);

(b) Report of the Chairman of the Sub-Commission (para. 18 of resolution 1990/64);

(c) Proposals by the Sub-Commission for further action by the Commission (para. 6 of resolution 1990/66);

(d) Report of the Secretary-General (para. 2 of resolution 1990/67);

(e) Report of the Special Rapporteur on the sale of children (para. 6 of resolution 1990/68);

(f) Proposals by the Sub-Commission concerning the practice of administrative detention (decision 1990/107).

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1990/45.

Documentation:

Report of the Working Group (para. 6).

21. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1990/57, 1990/58, 1990/59 and 1990/61.

Documentation:

(a) Report of the Expert on Equatorial Guinea (para. 9 of resolution 1990/57);

(b) Report of the Secretary-General on the progress in the implementation of the programme of advisory services (para. 18) of resolution 1990/58);

(c) Report of the Secretary-General on the operation and administration of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights (para. 13 of resolution 1990/59).

22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1990/27.

Documentation:

(a) Report of the Special Rapporteur (para. 14);

(b) Report of the Secretary-General on measures to implement resolution 1990/27 (para. 15).

23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1990/47.

Documentation:

Reports of previous sessions of the Working Group (para. 1).

24. Status of the Convention on the Rights of the Child.

Legislative authority: Commission resolution 1990/74.

Documentation:

(a) Report of the Secretary-General on the status of the Convention (para. 3);

(b) Report of the World Summit on Children as far as the promotion and implementation of the Convention on the Rights of the Child are concerned (para. 5).

25. Draft provisional agenda for the forty-eighth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the forty-eighth session of the Commission, together with information concerning documentation relating thereto.

26. Report to the Economic and Social Council on the forty-seventh session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVII. ADOPTION OF THE REPORT

714. At its 56th meeting, on 9 March 1990, the Commission considered the draft report on the work of its forty-sixth session. The draft report, as amended in the course of the discussion, was adopted.

Notes

*/ Under rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council, which provides that the sponsors of proposals submitted to the Commission may include States not members of the Commission.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

2/ The summary records of the meetings are issued in final form by meeting, subject to correction, and are validated by a consolidated corrigendum; for the current session, this will be E/CN.4/1990/SR.1-56/Corrigendum.

3/ The number in parentheses following the name of a country or organization indicates the meeting at which a statement was made by that country or organization and corresponds to the relevant summary record.

كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم. استعلم عنها من المكتبة التي تتعامل معها أو اكتب إلى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

如何购取联合国出版物

联合国出版物在全世界各地的书店和经售处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женевы.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.
